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President: Mr. Koonjul (Vice-President) .... (Mauritius)

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In the absence of Ms. Rasi (Finland), Mr. Koonjul (Mauritius), Vice-President, took the Chair.

The meeting was called to order at 3.15 p.m.

Social and human rights questions: United Nations High Commissioner for Refugees

Introduction of draft decision E/2004/L.19

1. **Ms. Kusorgbor** (Ghana), speaking also on behalf of Romania, introduced draft decision E/2004/L.19. Her delegation sought the concurrence of Council members to recommend that the General Assembly, at its fifty-ninth session, decide to enlarge the membership of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees (UNHCR) from 66 to 68 States, to include Ghana and Romania, both of which met the requirements for membership. The enlargement of the Executive Committee would reflect the interest of Member States in the work of UNHCR and help it to address the growing problem of refugees in a common manner.

Regional cooperation (*continued*) (E/2004/15 and Add.1 and 2 and E/2004/16-20)

2. **Ms. Tallawy** (Executive Secretary of the Economic and Social Commission for Western Asia), introducing the report of the Secretary-General on regional cooperation in the economic, social and related fields (E/2004/15 and Add. 1 and 2), said that it not only updated the Council on the activities and needs of the regional commissions but also on their contributions to the United Nations development agenda and its central role in promoting international cooperation. The regional commissions built consensus through policy dialogue and therefore helped to articulate regional perspectives on such important international issues as sustainable development, financing for development and the implementation of the Millennium Development Goals. Their capacity should be more fully utilized, however, in line with Economic and Social Council resolution 1998/46, annex III.

3. The two addenda to the report contained resolutions and decisions emanating from the ministerial sessions of the commissions which were submitted for the Council's action or attention. The summaries of the economic and social surveys provided the necessary backdrop for considering development issues in various regions and their interrelationship with the global economy. For the first time, the five regional surveys had been part of the documentation for the high-level segment.

4. In view of the commissions' leading role in the regional follow-up of United Nations conferences and summits in economic and social areas, they had strengthened their cooperation with various United Nations entities and with regional organizations and civil society. Many of the regional meetings organized by the commissions to follow up on such conferences involved regional development banks and other regional institutions. The growing collaboration among the regional commissions involved many substantive areas such as information and communication technologies (ICT) and the regional dimension of globalization.

5. In that connection, the commissions' sessions had emphasized the need to strengthen the production sectors and regional integration processes as effective vehicles to enable countries to benefit from globalization. The Economic and Social Commission for Western Asia (ESCWA) had published a flagship report on developments in globalization and regional integration in its member countries. The regional commissions had, in close cooperation with the United Nations Conference on Trade and Development (UNCTAD), organized a round-table discussion on bilateralism and regionalism in the aftermath of Cancún at the eleventh session of UNCTAD held in June 2004.

6. The regional commissions had made serious efforts to respond to the guidance provided by the Council. Interactions between the Council and the commissions however, had not been entirely satisfactory. For instance, the Council's deliberations during the coordination, operational activities and high-level segments had hardly touched on the role and activities of the regional commissions. The regional commissions found it difficult to take part in the high-level segment for practical reasons. Because the regional commissions did not participate in the work of the General Assembly, it was all the more important that their annual one-day meeting with the Council should be an occasion for dialogue. The Secretary-General's report contained recommendations that would ensure a more effective review by the Council of the regional commissions' activities within

the overall activities of the United Nations and build on the guidance provided by the Council in resolution 1996/46, annex II.

7. **Ms. Schmögnerová** (Executive Secretary of the Economic Commission for Europe) said that the commissions had indeed built consensus through policy dialogue and helped to articulate regional perspectives on many global issues. One such issue concerned the linkages between regionalism and multilateralism. Multilateral trade arrangements were generally understood to be preferable to regional ones. In the case of the Economic Commission for Europe (ECE) region, however, the high number of regional arrangements, including the European Union and the North American Free Trade Agreement, had played a positive role in its development. The European Union had developed many mutually beneficial bilateral agreements with non-members, particularly emerging market economies, including partnership and cooperation agreements with members of the Commonwealth of Independent States, the Stability Pact for South-Eastern Europe and the South-East European Cooperation Process. Those agreements had greatly increased trade within the region.

8. The ECE region was heterogeneous, comprising founding members of the World Trade Organization (WTO), new members and States in early or advanced stages of negotiation with the body. Subregional and regional cooperation had helped States prepare for accession to WTO. In areas where there was insufficient cooperation, as in the case of Central Asia following the early accession of Kyrgyzstan to WTO, trade between the countries of the region had suffered.

9. There was a need for closer cooperation between the regional commissions and the Council and for greater linkages between the work of the commissions and the overall economic and social activities of the Organization. The Council should follow the recommendation contained in the Secretary-General's report to consider the regional cooperation item in a separate one-day segment, preferably to be held immediately following the high-level segment.

10. The commissions must have a leading role in the regional follow-up of global conferences and summits in the economic and social areas and in the regional implementation of the Millennium Development Goals. Member States sometimes narrowly interpreted the mandate of ECE, in contravention of Council resolution 1998/46, annex III, which recognized the dual role of the regional commissions.

11. **Mr. Kim Hak-su** (Executive Secretary of the Economic and Social Commission for Asia and the Pacific) said that 2003 had been another good year for the region, characterized by strong gross domestic product (GDP) growth and low inflation. As a group, the developing countries in the Economic and Social Commission for Asia and the Pacific (ESCAP) region had grown faster than the global economy and faster than other groups of developing countries in 2003. Moreover, growth was becoming more autonomous and was being driven increasingly by forces within the region, such as intraregional trade and strong domestic demand.

12. The prospects for 2004 and beyond were positive, provided that the region did not experience any negative shocks in the coming months, and Governments continued to pursue a policy agenda centred on macroeconomic prudence, corporate and financial sector reform and enhancing competitiveness.

13. Despite the region's robust economic growth in recent years, poverty remained a significant challenge for many countries in the region. It was crucial to put in place well-designed strategies for poverty reduction that were more explicitly aligned with the Millennium Development Goals. The international community, for its part, must contribute wholeheartedly to such national efforts.

14. The Commission and the United Nations Development Programme (UNDP) were working together, drawing on the Programme's operational capacity and coordination role at the country level and the Commission's multidisciplinary analytical capacities and ability to hold regional intergovernmental meetings. The first phase of the UNDP-ESCAP project to support the achievement of the Millennium Development Goals in Asia and the Pacific had led into the first-ever regional Millennium Development Goals progress report 2003. The report presented a mixed picture of striking achievements in poverty reduction in some areas, on the one hand, and on the other hand, a lack of progress in some countries in eliminating hunger, providing universal primary education and lowering child mortality. The second phase of the project aimed to build upon the success of the first phase by broadening cooperation with the United Nations and other interested organizations and

creating synergies for initiatives related to the Millennium Development Goals.

15. The High-level Visionary Meeting for Asia and the Pacific 2020, at which key challenges facing the Asia and Pacific region had been identified, and the signing of the Intergovernmental Agreement on the Asian Highway Network, which furthered regional integration and economic cooperation, had been among the highlights of the sixtieth session of the Commission, held in Shanghai in April 2004.

16. One of the secretariat's priorities was the regional implementation of the outcome of the World Summit on Sustainable Development, in particular the Johannesburg Plan of Implementation. The fifth ministerial conference on the environment and development in 2005 would guide the Commission in formulating an action-oriented regional strategy on the follow-up to the Summit. The Commission had also adopted implementation of the Monterrey Consensus in the Asia and Pacific region as the theme for its sixty-fourth session.

17. ESCAP remained committed to searching for new avenues and areas of cooperation together with its development partners. For example, it had signed a new, action-oriented Memorandum of Understanding with the Asian Development Bank in May 2004 to tap the comparative strengths of the two organizations.

18. **Mr. Machinea** (Executive Secretary of the Economic Commission for Latin America and the Caribbean), said that he would focus on key economic trends in Latin America and the Caribbean over the previous 12 months, the main activities of the Economic Commission for Latin America and the Caribbean (ECLAC) since July 2003, and the outcome of the thirtieth session of ECLAC.

19. Turning first to economic trends, he said that GDP was expected to grow by approximately 4 per cent in 2004, the highest rate since 1997 and an improvement over the 1.5 per cent growth of 2003. That performance had been driven by strong exports encouraged by buoyant international demand and high commodity prices. By contrast, domestic demand was not showing the same vigour, but was expected to recover during 2004. Gross fixed capital formation had remained flat in 2003, but the expansion of economic activity and greater use of installed capacity should favour investment in 2004. In 2003, the region-wide inflation figure had fallen 4 per cent over the previous year, and that trend was expected to continue in 2004, largely thanks to lower inflation in Brazil, which influenced the regional figure heavily. However, several countries had suffered inflationary pressure caused by rising international prices for food and fuel in particular.

20. Unemployment in the region remained high at 10.6 per cent. Relative to the recent historic highs, unemployment in Argentina, Uruguay and Venezuela had dropped; by contrast, the situation in Brazil, Mexico and some other countries was not improving. The level of real wages had recovered significantly only in Argentina; levels in Brazil, Uruguay and Venezuela had continued the downward trend of 2003.

21. High commodity prices and high volumes shipped had helped to produce record exports, although the situation was not uniformly good. Regional imports had continued the upward trend seen in 2003, largely reflecting high commodity prices and the cost of oil, since most of the countries of the region were net oil importers. Terms of trade for the region had improved under the influence of high commodity prices, but had been offset by high fuel prices.

22. The region had not had a current account surplus since 1953, but that pattern had been broken in 2003. The 2004 surplus was forecast to be about 1 per cent of GDP, helped by substantial foreign remittances. The regional surplus in trade in goods would reach even higher levels in 2004 than in 2003. Although capital inflows were projected to recover in 2004, the region was forecast to transfer US$ 22 billion abroad, bringing the cumulative outflow of resources for the period 1999-2004 to just under 6 per cent of GDP. However, foreign direct investment was expected to increase. Autonomous capital flows remained modest, but were an improvement over the large outflow of the previous year and enabled the countries of the region to obtain financing at an average cost of 9.6 per cent.

23. The economic policy goal of the region for 2004 had been to maintain the course set in 2003, focused on price stability, controlling inflation, containing the expansion of public debt and maintaining the primary fiscal surplus of central governments. Most countries had been gradually lifting restrictions on foreign-currency operations. The currencies of Argentina, Brazil and Chile had appreciated, while the opposite had occurred in Central America and Mexico.

24. Since July 2003 ECLAC had strengthened cooperation with its members by working towards more transparent management, further decentralization and greater accountability. It had simplified and modernized operations, eliminated overlap and ensured that budgetary and planning processes were results-driven. Alert to the effects of economic and social events on the political stability of fragile democracies in a number of countries, the Commission had lobbied for greater multilateral attention to be paid to the situation of the region within United Nations priorities, and for the Organization to have a consistent agenda in place for the region.

25. The Millennium Development Goals had become the navigation chart for the United Nations as a whole and, therefore, for ECLAC, which was working to develop methodologies to help States follow up the world summits on economic, social and environmental issues from a regional perspective and in the framework of the Millennium Declaration. The Commission applied an integrated approach to following up past summits and conferences which would be used for the forthcoming phase of the World Summit on the Information Society. The Commission was encouraging links between countries in the implementation of the Monterrey Consensus and the Johannesburg Plan of Implementation.

26. The Commission was encouraging interregional cooperation by working with the other regional commissions and maintaining contact with intergovernmental bodies that were not part of the United Nations system, such as the Inter-American Development Bank and the Organization of American States, and it was closely involved with sectoral intergovernmental forums on issues including agriculture, the environment, energy, housing and urban development.

27. The thirtieth session of ECLAC, held in Puerto Rico, had emphasized that Latin America and the Caribbean had invested heavily in their integration into the global economy and had been the most resolute of all developing regions in pursuing economic liberalization. The previous 15 years had brought greater stability, reduced fiscal deficits, increased exports and more foreign investment. However, growth rates and structural disparities must be improved.

28. Although the number of people living in poverty had been lower in late 2003 than in 1990, 44 per cent lived below the poverty line, and 20 per cent lived in extreme poverty. Social spending had increased, but its quality must be improved. The region must return to a rate of economic growth that made it possible to reduce unemployment and informal economic activity. The keynote document of the session had stressed that the idea of "more market and less State" must give way to the idea of "more market requires a better State".

29. Mr. Amoako (Executive Secretary of the Economic Commission for Africa) said that economic growth in Africa, while better than it had been in the 1990s, was still not high enough to enable the Millennium Development Goals to be achieved. The Economic Commission for Africa (ECA) was tracking progress towards the Goals and analysing issues to determine policies in specific areas.

30. The report on unlocking Africa's potential in the global economy (E/2004/17) had examined the continent's opportunities, recognizing that African countries could not obtain resources for development without being involved in the global economy. The Conference of Ministers of Finance, Planning and Economic Development had focused on mainstreaming trade policies into national development strategies. In that connection, two major issues must be addressed. The first was poor trade facilitation. The Commission's analytical work would help African countries to argue effectively in discussions on the questions raised at the Doha Ministerial Conference of WTO, chiefly market access and agricultural subsidies. The second was the existence of severe domestic constraints. Unless African countries tackled problems including weak infrastructure and the lack of human capital, they would find effective integration into the world economy difficult.

31. Regional economic integration had been a long-held dream of African countries. With the arrival of the African Union and the New Partnership for Africa's Development (NEPAD), that dream had come closer. A two-year study on such integration had just been completed. It had drawn the sobering conclusion that African countries' trade was mostly with countries outside the continent, with intra-African trade accounting for only 10 per cent of overall trade. Unless that proportion was increased, it was doubtful that Africa would achieve greater competitiveness in the world economy. Regional entities within Africa, especially the African Union, must work to develop strategies to overcome weaknesses.

32. Good governance was considered essential to pursuing the Millennium Development Goals, and was a centrepiece of the aims of ECA, the African Union and NEPAD. The first African governance report would shortly be published. It analysed political and economic governance trends in 28 African countries. The Secretary-General had established a Commission for HIV/AIDS and Governance in Africa which sought to make recommendations to address the enormous challenge of HIV/AIDS and analyse its implications for Africa's development prospects from the point of view of institutions, treatment, health care and so on.

33. Following eight years of reform, an external review of the work of ECA had been presented to the Conference of Ministers of Finance, Planning and Economic Development. They had endorsed its conclusions, confirmed that the Commission had become a significant voice for Africa, and pledged more resources through the trust funds being planned to support development for the continent.

34. **Ms. Tallawy** (Executive Secretary of the Economic and Social Commission for Western Asia) said that globalization and advances in information and communication technologies had made cooperation and integration among the States members of the Economic and Social Commission for Western Asia (ESCWA) vital. However, prospects for cooperation and integration had been seriously affected by instability and conflict, particularly in Palestine and Iraq. The region's economic growth was low or even stagnant because of a state of war that had lasted for five decades, leading to rampant unemployment, especially among the youth.

35. The economic situation made it doubtful that the Millennium Development Goal of halving the proportion of people living in extreme poverty by 2015 would be achieved, since it depended on sustainable economic growth, but there was still some hope of achieving the other Millennium Development Goals.

36. Despite the difficult economic situation, the countries of the region had made great efforts, with the Commission's assistance, to apply to join WTO. ESCWA considered nevertheless that developing countries, including those in the Arab world, should have easier conditions of entry. Regional cooperation in trade, meanwhile, had been promoted by a number of agreements. They included the Greater Arab Free Trade Area (GAFTA) agreement, which was due to enter into force fully in 2005 and agreements proposed within the framework of the Arab Maghreb Union. The countries of the region had also signed bilateral agreements with the European Union and with the United States of America. There was continuing debate as to whether the obligations of those regional and bilateral agreements would be in harmony or in contradiction with each other.

37. The Commission had worked to improve cooperation and integration within the region through agreements on road, rail and maritime transport. One agreement had been in force since 2003, while the others were being negotiated. The Commission had also furthered cooperation within the region by preparing a common approach to the 2001 Doha Ministerial Conference and the 2003 Cancún Ministerial Conference of the World Trade Organization, the 10-year review of the outcome of the Fourth World Conference on Women (Beijing +10) and the 10-year review of the outcome of the International Conference on Population and Development (Cairo +10), and by holding a forum on reconstruction needs in Palestine once peace returned.

38. **Ms. Bakker** (Observer for the Netherlands), speaking on behalf of the European Union, the candidate countries (Bulgaria, Croatia, Romania and Turkey), the stabilization and association process countries (Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia), and, in addition, Norway, said that, for the European Union, the Millennium Declaration constituted the overarching policy framework for the economic and social activities of the Organization, providing concrete and measurable targets to be achieved by 2015.

39. The regional commissions, working within their mandates, could make a useful contribution to reviewing progress on the implementation and follow-up of the outcomes of major United Nations summits and conferences and act as regional focal points for monitoring progress towards the Millennium Development Goals and other internationally agreed development goals and targets. The regional commissions should perform their functions in full cooperation and coordination with the global processes for monitoring the goals, so as to avoid duplication.

40. The European Union welcomed the efforts to strengthen coordination between the Regional

Commissions and other United Nations bodies, including the specialized agencies, funds and programmes. It was prepared to consider further proposals, such as discussing the work of the Regional Commissions during the coordination segment of ECOSOC. It reiterated its commitment to support the work and reform of ECE.

41. In the run-up to the second phase of the World Summit on the Information Society, the role of information and communication technologies (ICT) in fostering development had been more widely recognized. Such technologies could help to achieve the Millennium Development Goals in all areas of life. They were powerful tools for promoting good governance and empowerment, enhancing transparency and accountability in political systems and giving a voice to the poor. The European Union was aware of the digital divide, and so welcomed the Secretary-General's proposal to improve the mainstreaming of ICT into development efforts.

42. Information and communication technologies were being recognized as a long-term investment with a positive impact on development, but their effect in the short and medium term must be carefully measured to ensure that they achieved their expected outcomes. The United Nations could play a major role in data collection, benchmarking and debating e-strategies. In the context of efforts to give all States Members of the Organization a common approach to the information society, the European Union was ready to contribute to the work of the United Nations task force on financing mechanisms to bridge the digital divide and of the working group on Internet governance.

43. **Mr. Gerus** (Observer for Belarus) said that the regional commissions were an important mechanism for promoting multilateral cooperation at the regional level, which was crucial for achieving economic development and social progress and, in particular, the Millennium Development Goals. Reform of the commissions should be carried out carefully so as to avoid limiting their activities in areas important to Member States. The commissions must remain a key forum for exchange of experiences in human resources, capacity-building, ICT and other areas.

44. The commissions must have a more active role in bridging the digital divide through regional ICT initiatives as well as regional and subregional partnership programmes that enabled countries to exchange best practices in the development of an information society. The Economic Commission for Europe (ECE) should build on the work done during the first phase of the World Summit on the Information Society in order to promote close and effective international and regional cooperation and the involvement of all countries, particularly developing countries and transition economies, in the area of ICT.

45. The enlargement of the European Union raised the question of what role ECE for Europe should play among European institutions. Any reform of the Commission should create favourable conditions to expand trade between members of the European Union and other European countries. It was also important to strengthen the role of the Commission in encouraging competition, economic growth and free trade in the region.

46. During the second phase of the World Summit on the Information Society, the Belarusian President had put forward an initiative to establish a trust fund under United Nations auspices to compensate software producers who exported their products to developing countries at reduced prices. His Government contributed to the development of regional cooperation, including in the area of ICT, and supported the preparation of regional and subregional electronic development programmes.

47. **Mr. Shin Kak-soo** (Republic of Korea) said that information and communication technologies (ICT) could play an important role in facilitating the achievement of the Millennium Development Goals. In that connection, he welcomed the ongoing efforts of the regional commissions to address the slow progress in ICT development in some regions, particularly sub-Saharan Africa, South Asia and small island States in the Pacific, and he reaffirmed the willingness of his Government to continue to provide developing countries with technical training and expert assistance in order to help them build ICT infrastructure.

48. As an integral part of the United Nations system in the economic and social spheres, the regional commissions must continue to strengthen the coordination of economic, social and environmental issues at the regional level. With a view to generating synergy and avoiding duplication of work, the regional commissions, supported by the Secretariat, should also collaborate with the United Nations funds and programmes and the specialized agencies.

49. As an active member of the Economic and Social Commission for Asia and the Pacific (ESCAP), his Government welcomed the successful conclusion of its sixtieth session and the adoption of the Shanghai Declaration. The Shanghai meeting had confirmed that poverty reduction was a top priority and, in that connection, had recognized the vital importance of sustained economic growth and good governance. It had also concluded that regional cooperation could serve as an effective mechanism to ensure that the benefits of globalization were shared equitably. While it was encouraging that despite geopolitical uncertainties and the impact of severe acute respiratory syndrome (SARS), the developing economies of Asia and the Pacific had experienced strong, broad-based growth in 2003, poverty persisted in many countries due to the inequitable distribution of wealth. Pro-poor policies as well as economic growth were needed to reduce poverty and, in that regard, his Government was ready to share with other countries its experiences in the area of rural development and to that end had, in conjunction with ESCAP, launched the Rural Poverty Alleviation Programme.

50. Lastly, his Government was extremely concerned at the recent sharp increase in HIV/AIDS infection in Asia. As the 2003 SARS outbreak had shown, epidemics occurring in countries with poor health services could have serious economic consequences. ESCAP, in conjunction with other relevant international agencies, should therefore undertake further efforts to prevent and treat HIV/AIDS and to improve health services in the region.

51. **Mr. Zhang** Yishan (China) said that the most urgent task facing the international community was the pursuit of universal sustainable development. However, that goal could be attained only if the developing countries became less marginalized and were able to keep pace with globalization. For his delegation, Asia-Pacific cooperation was the natural choice to meet the new challenges posed by globalization. His Government took part in a number of regional cooperation mechanisms and, in 2002, had signed a free trade agreement within the framework of the Association of South-East Asian Nations (ASEAN). In addition, his Government was an active member of ESCAP and, in that connection, it welcomed the successful outcome of the Shanghai conference, in particular the broad-based consensus reflected in the Shanghai Declaration. He hoped that ESCAP would take advantage of the new vitality generated at Shanghai and would henceforth play a more prominent role in promoting Asia-Pacific cooperation.

52. **Ms. Mammadova** (Azerbaijan) said that one of her Government's foreign policy priorities was greater involvement in the global economy and participation in the regional integration process. It's willingness to pursue mutually beneficial cooperation had attracted a number of the world's leading companies to the Caspian region, and their projects would contribute to improving infrastructure and fostering regional economic growth. In addition, her delegation attached great importance to the development of cross-regional transport networks, since they offered the potential for expanded regional cooperation and created efficient transit corridors linking landlocked countries. However, much remained to be done and, in that connection, her Government would welcome technical and financial assistance from the international community.

53. The development of ICT was one of the key issues on her Government's development agenda. The level of ICT use was recognized as one of the main indicators of a country's intellectual and scientific potential as well as the transparency of its governance and, in the case of Azerbaijan, an adequate Human Assets Index, combined with the country's good economic performance, augured well for the development of that particular sector. Her Government had already adopted the National Information and Communication Technologies Strategy, which was now regarded as a best practice model for other countries.

54. Her delegation fully acknowledged the importance of the regional dimension in the promotion of an inclusive information society and therefore welcomed the Secretary-General's focus on the role of the regional commissions as regional focal points for monitoring and assessing progress towards the achievement of the Millennium Development Goals. Also welcome was his emphasis on coordination between the commissions and country coordinators and the alignment of technical cooperation with the United Nations Development Assistance Framework and country-owned poverty reduction strategy papers. The commissions were important forums for the exchange of best practices in the areas of entrepreneurship, trade facilitation, ICT and the information society.

55. At the operational level, the regional commissions should support the diffusion of e-governance and contribute to the establishment of the unified State data transmission network. They should also consider taking action within the framework of the United Nations Special Programme for the Economies of Central Asia (SPECA) to incorporate ICT into transport systems. In that connection, further work was needed in the areas of harmonizing transit transport procedures and strengthening customs procedures in order to improve risk analysis. Her delegation welcomed the initiative taken by the Secretary-General to encourage SPECA member States to participate more actively in the Programme and stood ready to make its own contribution. It looked forward to the development of a regular mechanism for cooperation between SPECA member States which would take full advantage of their potential.

56. **Mr. Gallegos** (Ecuador) said that two major considerations should inform the management of regional cooperation. First, regional and subregional cooperation mechanisms had the potential to facilitate greatly the integration of developing countries into the global economy. Geographical proximity was an important factor in the multiplication and diversification of exchanges and the development of physical integration processes. Secondly, issues relating to development could be addressed more objectively at the regional and subregional levels than at the global level.

57. Accordingly, a number of general steps should be taken. In order to generate tailored responses to the specific situations of certain groups of countries, the regional commissions should increase their interaction with subregional bodies, since more detailed knowledge of particular needs would prevent the implementation of standardized solutions. Similarly, existing relations between the regional commissions and subregional bodies should be consolidated and strengthened. Subregional economic integration processes, particularly in Latin America, had the potential to expand to the regional level; thus, the regional commissions should support the creation of basic infrastructure to facilitate productivity, the adoption of measures to promote trade, and the progressive harmonization of health and quality standards.

58. Furthermore, functional relations between the regional arms of United Nations funds and programmes and the regional commissions should be further developed in order to ensure the optimum use of the substantive and operational capacity of the United Nations in each region. The regional commissions should also continue to play an active part in policy-making, so that the regional perspective would be more systematically reflected in the Organization's work.

59. **Mr. Fedorchenko** (Russian Federation) expressed the appreciation of his delegation for the report of the Secretary-General on regional cooperation in the economic, social and related fields (E/2004/15), and particularly for its analysis of ways to bridge the digital divide. His delegation believed that the regional commissions had an important role, within their mandates, in implementing the goals of major United Nations conferences and summits and in addressing development issues specific to their regions. Regular coordination meetings should continue to be held between the executive directors of the regional commissions to allow joint activities and exchanges of views.

60. The provision of technical assistance was a central component of the regional commissions' work. Such assistance should be coordinated at the regional and the subregional levels with the assistance provided by the funds and programmes, which could benefit from the regional commissions' experience. The work of the regional commissions and the United Nations ICT Task Force in establishing regional working groups and communications nodes was particularly important.

61. As a member of both ECE and ESCAP, his Government acknowledged the assistance with reform and integration into the world economy and the information society which countries with economies in transition had received from the two commissions. Individually, meanwhile, the two commissions faced new challenges. In the case of ECE, the challenge was to prevent new fault lines from appearing in Europe, by working with the Organization for Security and Cooperation in Europe. In the case of ESCAP, the challenge was greater cooperation in environmental and economic matters; his Government wished to see its Primorye and Far East regions become more fully involved in cooperation on matters including ICT, transport corridors and the use of natural resources. His delegation welcomed the importance attached at the sixtieth session of ESCAP, to multilateral approaches

to solving global problems and to the information society, an open and fair international trading system and achieving the Millennium Development Goals.

62. With regard to the proposal to devote a one-day meeting to regional cooperation, directly following the high-level segment of the Council, his delegation's views were mixed. Although such an approach would certainly make it easier for the executive secretaries of the regional commissions to take part in the high-level segment and would raise the profile of discussion of regional cooperation, there should be serious analysis of the proposal's "added value" and its effect on the other segments of the Council's session before altering what was a fairly effective pattern of organizing the Council's work.

63. **Mr. Rosenthal** (Guatemala) said the Economic and Social Council could derive even greater benefits from the work and collective wisdom of the five regional commissions, not least because their regional vantage point complemented the global vision that prevailed at Headquarters. In the not-so-distant past, cooperation and coordination between the regional commissions and the Department of Economic and Social Affairs (DESA) of the Secretariat had been rather tenuous, but with the launch of the reform process in 1997, coordination mechanisms had improved considerably. Nevertheless, efforts to introduce greater coherence and cooperation between the Economic and Social Council and the five regional commissions had been less successful, due, in part, to the fact that dialogue with the executive secretaries had always been subject to time constraints and had left little room for interactive engagement.

64. Consequently, his delegation supported the Secretary-General's suggestion that the Council should decide that the regional cooperation item should be considered in a separate one-day segment of the Council, preferably to be held immediately following the high-level segment. Establishing a regional cooperation segment would have three advantages: First, it would recognize that the cross-cutting activities of the regional commissions were relevant to each of the existing segments and, secondly, it would raise the profile of the interaction between the Council and the five regional commissions. Thirdly, holding the regional cooperation segment immediately after the high-level segment would ensure that the five executive secretaries would be present at both.

65. **Mr. Onischenko** (Ukraine) said that his delegation supported the main results of the fifty-ninth session of ECE and welcomed its continuing focus on the reform process. Supporting the efforts undertaken by countries with economies in transition to integrate into the European economic area should become a priority of ECE activities.

66. Considering the significance of ICT in the context of socio-economic development, opportunities to access such technology must be made available to all those who had been unable to participate fully in a knowledge-based digital economy. Unfortunately, access to ICT had not been equitable: it varied greatly from country to country, between rural and urban areas and between the educated and the illiterate. In that connection, ECE could play a vital role in fostering regional cooperation designed to assist countries with economies in transition in their efforts in the areas of ICT and e-business development.

67. The "digital divide" was a reality in Europe, a region that included some of the most digitally advanced countries and countries with some of the lowest levels of ICT development. Therefore, ECE could and should play an active role in promoting the efficient use of ICT for development, in particular in the areas of trade facilitation and education; assisting governments to develop practical approaches for Internet governance and the financing of ICT for development; assessing the accessibility of ICT with a view to creating equal opportunities for the growth of the relevant sectors; and providing a forum for dialogue between various stakeholders with an interest in the development of the knowledge-based economy. Regional dialogue should contribute to national capacity-building and to the alignment of national strategies with global development goals.

68. His delegation also supported enhanced coordination between the Council and the regional commissions, including through regular exchanges of information and the holding of joint meetings on the issue of ICT for development. The Council had an important role to play in ensuring that the regional commissions delivered quality products to their constituencies in an effective and efficient manner. The second phase of the World Summit on the Information Society, to be held in Tunis in 2005, would be a key platform for the development of concrete measures designed to assist the international community to promote the more widespread distribution of the

benefits associated with the use of ICT for development. In that connection, his Government was committed to the Declaration of Principles and to the implementation of the Plan of Action of the first phase of the World Summit on the Information Society.

69. **Mr. Aman** (Indonesia) said that, the regional dimensions of the work of the United Nations had begun to receive greater attention. His Government continued to attach great importance to the strategic role of the regional commissions as facilitators of Member States' efforts to implement and follow up the outcomes of the major United Nations conferences and summits dealing with economic and social issues. In that context, the Council should concentrate on developing policies that could be transformed into concrete realities. Consequently, existing mechanisms for cooperation and coordination among the regional commissions and between the regional commissions and other regional organizations should be enhanced. The possibility of carrying out joint activities with the Department of Economic and Social Affairs of the Secretariat, UNDP and UNCTAD should also be further explored.

70. Member States' common efforts should be directed towards creating an enabling international environment and identifying possible ways of addressing the pressing and complex issues facing the regions, namely, poverty eradication, external debt relief, trade, financing for development, ICT for development and sustainable development. In that connection, and in line with the international community's firm commitment to the achievement of the Millennium Development Goals, the daunting task of poverty eradication should be given the highest priority. The regional commissions, particularly ESCAP, had a strategic role to play in that regard and could make a significant contribution to accelerating global development through the formulation of pro-poor policies and strategies.

71. His delegation supported the efforts undertaken by the regional commissions, particularly ESCAP, to work in partnership with the relevant stakeholders to establish specific programmes relating to ICT for development. It was to be hoped that such programmes would assist Member States to implement the Plan of Action of the World Summit on the Information Society. Given the huge disparities in the level of global ICT development, the regional commissions should give high priority to ICT infrastructure development. South-South cooperation was also important in that regard, although it should complement global action rather than attempting to replace it.

72. **Mr. Sunuga** (Japan) said that Member States must make every effort to cooperate with one another to achieve the Millennium Development Goals. In that regard, the regional commissions had a particular role to play in tackling the challenges and issues facing the regions in the run-up to the mid-term review of the Millennium Declaration. They had made a significant contribution to the preparatory process for the twelfth session of the Commission on Sustainable Development by leading regional implementation meetings and that practice should be emulated in other contexts.

73. The Economic and Social Council should be responsible for evaluating and coordinating the work of the regional commissions. Although he was unsure whether it was necessary to create a new segment within the Council's substantive session to review regional cooperation activities, the substantive session should be adapted to include such a review.

74. **Ms. Mehta** (India) said that she reiterated the statement she had made at the previous meeting (E/2004/SR.41).

Action on recommendations from regional commissions (E/2004/15/Add.1 and Add.2)

75. **The President** drew the Council's attention to documents E/2004/15/Add.1 and Add.2, containing eight recommendations from regional commissions requiring action by the Council. Since delegations needed more time to consider the recommendations contained in document E/2004/15/Add.2, which had been issued on the date of the current meeting, he suggested that action on those four draft resolutions should be postponed to a later meeting.

76. *It was so decided.*

77. **The President** invited the Council to consider the four draft proposals contained in document E/2004/15/Add.1.

Draft decision

78. *The draft decision was adopted.*

Draft resolutions I, II and III

79. *Draft resolutions I, II and III were adopted.*

Coordination, programme and other questions (*continued*)

(a) Reports of coordination bodies (*continued*) (E/2004/67)

(c) International cooperation in the field of informatics (*continued*) (E/2004/78)

(e) Mainstreaming a gender perspective into all policies and programmes in the United Nations system (*continued*) (E/2004/59 and E/2004/CRP.1-4)

(g) Information and Communication Technologies (ICT) Task Force (*continued*) (E/2004/62)

(h) Tobacco or health (*continued*) (E/2004/55)

80. **Dr. Bettcher** (Coordinator, Framework Convention Team, Tobacco-Free Initiative, World Health Organization), introducing the report of the Secretary-General on the Ad Hoc Inter-Agency Task Force on Tobacco Control (E/2004/55), said that tobacco affected a large number of sectors, including health, finance, trade and the environment. The tobacco epidemic was reinforced through global marketing, trade liberalization and increased smuggling. Consequently, tobacco control would become effective only through collaboration among the different sectors of government and different intergovernmental agencies. The Ad Hoc Inter-Agency Task Force on Tobacco Control (the Task Force) was the platform where such collaboration could be strengthened and explored in the most effective way.

81. Tobacco consumption impeded development and increased poverty. The incidence of serious diseases imposed a heavy financial burden in terms of treatment costs and lost workdays, and poor households spent a significant proportion of their resources to maintain their addiction. Moreover, there was growing evidence that tobacco was used most commonly by the poor, creating a vicious circle. Forecasts from the World Health Organization (WHO) and the World Bank indicated that the number of tobacco users was expected to increase to 1.46 billion by 2025, and production would move from the developed to the developing world in the next decade. It was therefore necessary to include tobacco control activities in programmes related to the Millennium Development Goals.

82. The necessary cooperation between WHO and other international organizations in reaching the objective of the WHO Framework Convention on Tobacco Control recognized the value of inter-agency collaboration on tobacco control. The treaty had been closed for signature on 29 June 2004 and would enter into force 90 days after the deposit of the fortieth instrument of ratification, acceptance, approval and accession.

83. States had acknowledged the valuable work of the Task Force, and it was likely that the Task Force would be called upon in the future by parties to the treaty, particularly developing countries and those with economies in transition, for technical and financial assistance with its implementation. Also, since the treaty was expected to enter into force soon, the Task Force would be called upon to contribute to the preparation of the technical document to be presented by WHO to the Conference of the Parties at its first session.

84. **Mr. Davidse** (Observer for the Netherlands), speaking on behalf of the European Union, the candidate countries (Bulgaria, Croatia, Romania and Turkey), the stabilization and association process countries (Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia) and, in addition, Norway, said that his delegation welcomed the opportunity to discuss the United Nations Chief Executives Board for Coordination (CEB). The European Union was pleased with the improved report (E/2004/67), which demonstrated the complexity of the issues before CEB. The European Union appreciated the potential of CEB to meet those challenges and welcomed its efforts in support of NEPAD, conflict prevention and the fight against HIV/AIDS and transnational crime. CEB would have a crucial role in coordinating the implementation of the outcome of the triennial comprehensive policy review.

85. The report showed the important role that CEB was playing in following up United Nations summits and conferences in accordance with General Assembly resolution 57/270 B. The European Union welcomed the active engagement of CEB in coordinating the first

review of the implementation of the United Nations Millennium Declaration. It hoped to hear more about the ways in which CEB promoted enhanced coherence and coordination among the specialized agencies and other parts of the United Nations system. CEB was also the appropriate forum in which to focus on the implementation of the Monterrey Consensus of the International Conference on Financing for Development, the Plan of Implementation of the World Summit on Sustainable Development and various programmes of the Commission on Sustainable Development.

86. **Ms. Rotich-Matthews** (Kenya) said that her delegation would co-sponsor the draft resolution on tobacco or health. Tobacco was a serious threat to the achievement of the Millennium Development Goals and sustainable development. The Framework Convention, which her Government had signed and ratified, was a powerful tool and she looked forward to its entry into force.

87. **Ms. Velasco Osorio** (Observer for Mexico) expressed her delegation's support for the efforts of the Secretary-General to promote the mainstreaming of a gender perspective into all policies and programmes in the United Nations system. It was important now to concentrate on programmes where a gender perspective had been only partially included. Women should be represented in no less than 50 per cent of posts within the Organization, including as special representatives and special envoys. To that end, there should be more training programmes for women, and the Organization should commit more resources to such programmes.

88. At the national level, her Government believed that the active inclusion of women was a decisive factor in strengthening the democratic system and improving transparency mechanisms and accountability. Gender mainstreaming was a priority in technical cooperation, and there were many programmes linked to gender issues, including the rights of indigenous women, the prevention of cervical cancer, reproductive rights programmes and sexual rights. Moreover, many of her Government's external aid programmes were linked to gender issues.

89. **Mr. Shin** Boo-nam (Republic of Korea) noted with concern the indication in the second annual report of the Information and Communication Technologies (ICT) Task Force (E/2004/62) that the digital divide was shifting to sub-Saharan Africa, South Asia and small island nations of the Pacific. Accordingly, the United Nations needed to devote more resources to addressing that issue and to focus ICT development efforts more closely on those regions. The ICT Task Force must continue to treat the question as a priority so as to prevent the new digital divide from widening. His Government particularly favoured greater incorporation of ICT into the rural infrastructure development and, in that regard, welcomed measures to increase per capita main lines and Internet access for people in rural areas.

90. The ICT Task Force was a multi-stakeholder body, a fact that might lead it to address more issues than it could realistically manage. It should concentrate on activities in which it had a record of success, including ICT policy and good governance and linking ICT with internationally agreed development goals. Furthermore, just as good governance was a prerequisite for development, sound Internet governance was essential to extending ICT throughout the developing world. The ICT Task Force should continue to promote Internet governance and contribute to the success of the second phase of the World Summit on the Information Society.

91. **Mr. Hannesson** (Observer for Iceland) noted that, in his country, the reduction of smoking through proactive measures was one of the most important public health projects ever undertaken. His Government had established ambitious measures through progressive legislation, such as a complete ban on direct and indirect tobacco advertising and the visibility of tobacco products at retail points. State support for measures against consumption included information campaigns in schools and anti-tobacco publicity. Statistics had shown such measures to be effective: tobacco sales had fallen by 42.5 per cent during the period from 1984 to 2001, and incidences of lung cancer had fallen steadily in recent years. Looking to the future, his Government had ratified the Framework Convention, and it intended to pass a bill banning smoking in restaurants.

92. **Mr. Talha** (Bangladesh) praised the members of the Ad Hoc Inter-Agency Task Force on Tobacco Control for their excellent work. Given the 5 million deaths worldwide every year from tobacco, WHO had embarked on a remarkable attempt to negotiate a convention on tobacco control.

93. The production of tobacco was as debilitating to health and prosperity as its consumption. Tobacco cultivation was not profitable, as small farmers had no access to international markets, and in local markets they were forced to sell their crop at unfavourable prices. Multinational corporations encouraged production to keep prices low and, to that end, offered loans to farmers who in turn were often unable to replay the loans because prices were too low. They thus found themselves trapped in a cycle of indebtedness that made it difficult to switch to alternative cash crops. Tobacco production was also dangerous to health.

94. His Government was proud to have been the first to sign the Framework Convention and the first government of a least developed country to ratify it. It encouraged other governments to accede to the treaty. Strong political commitment was necessary at all levels to respond to the challenge of the tobacco epidemic, and the Task Force needed maximum political support in its efforts to assist developing countries to implement the treaty.

The meeting rose at 6.10 p.m.

United Nations E/2004/SR.43

Economic and Social Council

Provisional

24 September 2004

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Substantive session of 2004
General segment
Provisional summary record of the 43rd meeting
Held at Headquarters, New York, on Monday, 19 July 2004, at 10 a.m.

President: Mr. Koonjul (Vice-President) .... **(Mauritius)**

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In the absence of Ms. Rasi (Finland), Mr. Koonjul (Mauritius), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Social and human rights questions

(g) Human rights (E/2004/L.17, E/2004/L.21)

Introduction of draft resolution E/2004/L.17

1. **The President** invited the representative of Cuba to introduce draft resolution E/2004/L.17, entitled "Question of the protection of human rights and fundamental freedoms in the context of international military operations launched to combat terrorism", submitted under agenda item 14 (g).

2. **Mr. Reyes Santana** (Cuba), introducing the draft resolution, said the protection of human rights had no frontiers. It must respect the principles of objectivity, impartiality and selectivity, and must not be subjected to political considerations. Terrorist acts, methods and practices were grave violations of human rights, and must be combated by all States in accordance with international law and the Charter of the United Nations. Since the brutal terrorist acts committed on 11 September 2001 in New York, important steps had been taken at the national and international levels to combat the scourge of terrorism. Unfortunately, some of them had impacted negatively on the enjoyment of human rights. Consequently, the General Assembly and the Commission on Human Rights had both adopted resolutions on the protection of human rights and fundamental freedoms in the struggle against terrorism. However, the international community had since learned with alarm of numerous documented cases of violations of human rights in the context of international military operations undertaken supposedly to combat terrorism. Many public figures, press organs, United Nations human rights bodies and non-governmental organizations had pressed for such violations to be investigated and stopped. As recently as 25 June 2004, a joint statement on the matter had been issued by the eleventh meeting of special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Commission on Human Rights.

3. The draft resolution before the Council was essential in order to maintain the viability and credibility of the international system for the protection of human rights. It would fill a significant gap in monitoring the violations of human rights which had occurred in the context of international military operations to combat terrorism, and would support and supplement other mandates in the area of human rights. The Council occupied a privileged position in the human rights machinery of the United Nations, and was fully empowered to deal with the issue. The draft was not controversial, nor did it condemn anyone; it insisted on compliance with international law, without discrimination or privilege, and was an attempt to combat impunity. By supporting the draft resolution, the Council could make a historic contribution to the credibility of the international system for the protection of human rights.

4. **Mr. Xie** Bohua (China), speaking on a point of order, said he understood the Council to be dealing also with another draft proposal submitted under agenda item 14 (g), namely, draft decision E/2004/L.21. Apparently, adoption of the latter text would override decision 2004/117 of the Commission on Human Rights, on human rights and human responsibilities. However, his delegation's understanding was that the Council was not required to adopt the latter decision. What was the correct position according to the Council's rules of procedure?

5. **The President** said he would seek the advice of the Office of Legal Affairs on that issue, and would defer consideration of draft resolution E/2004/L.21 until that advice had been received.

6. **Mr. Wood** (United Kingdom), speaking on a point of order, queried the notion of seeking clarification of a draft resolution before it had been introduced. His delegation's understanding, after consulting the Office of Legal Affairs, was that the draft decision, if adopted, would in fact override resolution 2004/117 of the Commission on Human Rights.

7. **Mr. Xie** Bohua (China), speaking on a point of order, said that on 16 July the delegation of the Netherlands, on behalf of the European Union, had given a briefing on draft decision E/2004/L.21. It was in the light of that briefing that he had raised his query.

8. **The President** said that as long as draft decision E/2004/21 had not been introduced, it was difficult to be sure that the procedure he had previously suggested would be valid. He therefore proposed that the draft

decision should be introduced and the necessary legal advice obtained afterwards.

9. **Mr. Xie** Bohua (China) asked whether the first course of action suggested by the President would then be invalid.

10. **The President** confirmed that it would. Without a draft text before the Council, no legal advice could be sought. The representative of China had raised an important issue, but it would be relevant only if the Council had a text before it. Accordingly, draft decision E/2004/L.21 should be introduced now.

11. **Mr. Reyes Santana** (Cuba) took the same view. His delegation had some difficulty with the draft decision, but fully accepted the right of the sponsors to introduce it.

12. **The President** emphasized that a draft resolution did not exist, in a formal sense, until it had been introduced. He invited the observer for the Netherlands to introduce draft resolution E/2004/L.21.

Introduction of draft decision E/2004/L.21

13. **Mr. Hof** (Observer for the Netherlands), speaking on behalf of the European Union and of Australia, Canada, Cyprus, Finland, Guatemala, Iceland, Mexico, New Zealand and the United States of America, introduced draft decision E/2004/21, entitled "Commission on Human Rights resolution 2004/117 on human rights and human responsibilities". The resolution to which the draft decision referred had been adopted by the Commission after a close vote (26 in favour, 25 against). It requested the Office of the High Commissioner for Human Rights to seek views of Member States on the pre-draft declaration on human social responsibilities annexed to decision 2004/117. That was a procedural initiative which attempted, for the first time, to have a pre-draft declaration adopted by the United Nations. The European Union strongly opposed such a declaration. First, the text aimed to make human rights conditional, seeking to undermine the very foundations of human rights law. Second, the Universal Declaration of Human Rights and the Vienna Declaration on Human Rights clearly stated that human rights were universal and inalienable, a principle undermined by the pre-draft declaration. The idea that a State could determine which rights an individual could enjoy in return for the exercise of responsibilities was entirely inconsistent with fundamental concepts of human rights. All persons were entitled to the same fundamental rights, without discrimination of any kind. Finally, the pre-draft declaration had not been mandated by the Commission on Human Rights. In its resolution 2000/63, the Commission had gone no further than to request the Subcommission on the Promotion and Protection of Human Rights to undertake a study on the issue of human rights and human responsibilities.

14. The European Union did not take issue with the idea that members of any society had responsibilities towards each other and towards society. However, the conditional linkage between responsibilities and human rights could not be allowed to go unchallenged. The matter was so important that the Council must now address it.

15. **The President** said that, in view of the fact that the Council did not normally adopt the decisions of the Commission on Human Rights, he would seek legal advice on the question whether the draft decision could be tabled.

16. *It was so decided.*

Implementation of and follow-up to major United Nations conferences and summits

Implementation of General Assembly resolutions 50/227 and 52/12 B

Introduction of draft resolution E/2004/L.24

17. **Mr. Abdalla** (Qatar), speaking on behalf of the Group of 77 and China, introduced draft resolution E/2004/L.24, entitled "Role of the Economic and Social Council in the integrated and coordinated implementation of the outcomes of and follow-up to major United Nations conferences and summits", submitted under agenda items 6 and 8. In developing an integrated and coordinated follow-up, the focus had been placed on cross-cutting goals and on financial and technical assistance. He emphasized the importance of the draft resolution, in view of the likelihood that the Council would play a major role in the high-level plenary meeting of the General Assembly to be held in 2005.

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (A/59/121-E/2004/88, E/2004/47 and A/59/64)

Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian People in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan (A/59/89-E/2004/21)

18. **Ms. Pozdnyakova** (Officer-in-Charge, Decolonization Unit, Department of Political Affairs), introducing the report of the Secretary-General (A/59/64), recalled Council resolution 2003/51 of 24 July 2003 and the request to the Council, in General Assembly resolution 58/104, to continue considering appropriate measures for coordinating the policies and activities of the specialized agencies and other organizations of the United Nations system in relation to Non-Self-Governing Territories. The information submitted by those agencies and organizations on the matter was contained in document E/2004/47.

19. **Ms. Tallawy** (Executive Secretary of the Economic and Social Commission for Western Asia) introduced the report of the Secretary-General on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan (E/2004/21). The report showed that the leading cause of the social and economic plight of the Palestinian people was and remained the Israeli occupation and stressed that the only realistic hope of bringing an end to violence in the occupied territory and Israel was a just and comprehensive peace settlement that included the Syrian Arab Republic, Lebanon and the remainder of the region.

20. The road map put forward by the Quartet (S/2003/529, annex) had been accepted by both sides, but efforts to implement it remained deeply unsatisfactory. The report focused on Israel's relentless efforts to expand its settlements, its erection of a barrier in the West Bank, its imposition of mobility restrictions and closure policies, its destruction of infrastructure and crops and its demolition of homes.

21. Israel's confiscation and destruction of Palestinian homes and lands had swelled the ranks of the homeless and some 28,000 Palestinian homes remained under threat of demolition. Israeli forces had destroyed 10 per cent of Gaza's arable land, uprooted trees and destroyed wells and agricultural warehouses. Curfews and restrictions on the movement of goods and persons worsened unemployment and poverty, prevented health care, interrupted education and humiliated the Palestinian people, individually and collectively. Since March 2003, the construction of fixed and mobile checkpoints, trenches and blockades had effectively dissected the occupied territory into isolated pockets and had made its economy dependent on the informal sector; agriculture was still practised, but under extremely adverse conditions. Some 47 per cent of households had lost over 50 per cent of their income, while the poverty rate had risen to 63 per cent in 2003 and GDP had fallen to below its 1986 level in an economic recession which, according to the World Bank, was among the worst in modern history.

22. Israel's settlements in the occupied territory remained the primary cause of conflict; it had established over 136 settlements in the West Bank, 17 settlements in the Gaza Strip and 180,000 settlers in occupied East Jerusalem. The land area allotted exclusively to settlements was disproportionate to the number of settlers. Although the Quartet's road map demanded a freeze, settlement growth had increased by 16 per cent under the current Government and accounted for a significant portion of Israel's public investment. That policy had given rise to serious concerns about the possibility of establishing an independent, contiguous and viable Palestinian State.

23. Despite the changes in the barrier's route during 2004, it was expected to incorporate 16.6 per cent of the West Bank. With the barrier, Israel would annex most of the aquifer system that provided 51 per cent of the West Bank's water resources, forcing many Palestinians to leave their lands. Even before its construction, the Israeli Government had permitted active discrimination in the area of water access; 60 per cent of Palestinian families were dependent on water from tankers and water costs consumed up to 40 per cent of household income during the summer months. Checkpoints and closures sometimes prevented water tankers from reaching villages, leaving them without water for days at a time.

24. Humanitarian assistance alone could not ensure a sustainable life with dignity and rights for Palestinian civilians; many observers had concluded that the

purpose of the occupation was to empty the occupied territory of its people. Suffering and dispossession had reached new heights in 2003 and might cast doubt on the effectiveness of existing unilateral and multilateral efforts to resolve the conflict. Only an end to the occupation would put an end to the social and economic plight of the Palestinian people.

25. **Mr. Aisi** (Papua New Guinea) said that the Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which he had the honour to chair, dealt with the remaining 16 Non-Self-Governing Territories on the United Nations list. Most of those territories were small islands with populations of between 50 and 200,000 and with a wide range of political, economic and social development levels.

26. He noted with appreciation the Council's coordination of the activities of United Nations specialized agencies and institutions in the Non-Self-Governing Territories; many of them provided invaluable assistance in areas such as sustainable development, legal reforms, trade policy, environmental management, health and education and some of them included those territories as associated members or observers. Participation in the work of international and regional organizations exposed the Territories to the assistance available to them and ensured mutually beneficial cooperation with independent countries.

27. He drew attention to the case of Tokelau as an example of progress towards decolonization and commended the Administering Power, New Zealand, and the United Nations Development Programme (UNDP) for their efforts to bring that Territory closer to self-determination. In a recent Special Committee seminar held in Madang, Papua New Guinea and hosted by his Government, Tokelau had been used as a case study. The conclusions and recommendations of the seminar devoted a separate chapter to cooperation with the Council with a view to giving the Territories better access to relevant United Nations programmes and projects and formulating specific capacity-building programmes in preparation for the attainment of full self-government.

28. But the role played by the specialized agencies and institutions in the Non-Self-Governing Territories could be further enhanced, and the Special Committee was open to cooperation and consultation with the Council on ways of making assistance to those Territories more focused on their specific needs and helping them achieve visible progress towards decolonization.

29. **Mr. Al-Salaiti** (Qatar) said that the Israeli occupation of Palestinian territory and the Syrian Arab Golan continued to deepen the economic and social hardship of the inhabitants. The Israeli army continued to resort to such measures as arbitrary detention, household demolition, severe mobility restriction and closures. Since 2000, the number of Palestinian deaths and injuries, particularly among women and children, had been constantly rising. Moreover, Israel had recently stepped up its policy of extrajudicial killings, in violation of international law and in full disregard of the repeated calls of the Secretary-General for their cessation, failing which the bloodshed and retaliation were likely to escalate.

30. Thousands of Palestinians, including women and children under the age of 12, were still being held in poor conditions in Israeli prisons and detention centres. Unremittingly condemned by Qatar, Israel's brutal aggressions included eviction of the Palestinian people from their land, while the expanding illegal settlement was ultimately expected to take up well over 40 per cent of land in both the West Bank and Gaza alike, with all too imaginable consequences for the Palestinian people. The social and economic repercussions of such occupation practices were set to worsen once construction of the barrier wall was complete; not only would the wall eat up more Palestinian territory, but more egregiously still, it would deny Palestinians access to some of their most fertile land, as well as to jobs and services. With no alternative livelihoods in prospect, many of the Palestinians inhabiting such areas would be forced to leave. Qatar had urged Israel to respect the advisory opinion given on the matter by the International Court of Justice. It had also appealed to the international community to put pressure on Israel to do so by immediately removing the wall and compensating all those Palestinians damaged by its illegal construction.

31. The losses incurred over three years of economic decline affected not only the Palestinian Authority, which was unable to pay wage bills or provide the necessary services, but also signalled disaster for the inhabitants of the occupied territories; in 2003, 63 per cent of their number were living in extreme poverty.

The economic situation was such that humanitarian assistance, which was often obstructed by the Israeli authorities, was not guaranteed to produce any lasting effect on the lives of Palestinians. A more enduring remedy to the current economic and social deprivation would be to end all Israeli occupation of Palestinian and Arab territories and enable the Palestinian people to realize their legitimate rights, in particular that of self-determination, and establish an independent State on Palestinian soil, with Jerusalem as its capital.

32. **Mr. Shrein** (Observer for Palestine) said that the report of the Secretary-General on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan (E/2004/21) provided compelling testimony to the myriad human rights violations committed by the Israeli occupying forces against the Palestinian civilian population.

33. The Palestinian people's realization of their inalienable rights was a fundamental prerequisite for the establishment of an independent and sovereign State of Palestine and for the development of Palestinian society as a whole; that war-torn economy had lost 15 years of growth. Israel's countless war crimes and its policy of confiscating Palestinian land and of building and expanding illegal settlements and bypass roads in the occupied territory, including East Jerusalem, continued unabated and compounded the volatile situation on the ground.

34. In its advisory opinion of 9 July 2004, the International Court of Justice had concluded that Israel was under a legal obligation to terminate its breaches of international law, cease construction of its wall and dismantle the sections constructed to date. The Wall departed from the Armistice Line of 1949, cut deep into Palestinian territory and involved the confiscation and de facto annexation of land and the destruction of livelihoods.

35. Furthermore, the Israeli military campaign had claimed the lives of over 3,100 innocent Palestinian civilians, including 600 children. Other Israeli breaches of international law and international humanitarian law included collective punishments, exploitation of water resources, demolition of homes, restrictions on the movement of goods and persons, administrative detention and harassment, physical mistreatment and torture of Palestinian detainees and prisoners.

36. The United Nations should continue to monitor that situation closely in an effort effectively to put an end to all illegal Israeli actions in the occupied Palestinian territory, including East Jerusalem; compel Israel to respect its obligations; and bring a halt to the Israeli destruction [illegible] the Palestinian economy and natural resources and of the natural resources in the occupied Syrian Golan. Humanitarian assistance was not sufficient; only when the occupation was lifted would the Palestinian people be able to live a normal life, free from Israeli occupation, subjugation and destruction.

37. **Mr. Sermoneta** (Observer for Israel) said that while Israel acknowledged the suffering of the Palestinian people, the burden of their misery lay at the doorstep of their leadership; moreover, the Israeli people were also suffering the physical, psychological and economic consequences of terrorist attacks. By stopping infiltrations into Israeli territory, the security fence would make it possible to move forward in the peace process and ensure enjoyment of the most basic human right: the right to life.

38. The biased report which the Council had before it made no mention of the damage to Israel's economy; over 25 per cent of its children were living below the poverty line and foreign investment had turned away from the region. But, rather than arguing about the relative suffering of the Israeli and Palestinian people, it would be better to cooperate in order to end that suffering for all. Prime Minister Sharon's disengagement plan should be welcomed as a step towards a new era of renewal which could be achieved only by combating terror and corruption, not by producing politicized reports replete with distorted facts from dubious or outdated sources.

39. The Palestinian leadership had chosen the path of greed and opportunism; during the past few days, members of the highest echelons had resigned, citing corruption and nepotism. A recent document issued by the Al-Aqsa Martyrs Brigade criticized individuals, including wives and children of officials, who were falsely registered as employees of the Palestinian Authority. When even terrorist organizations were calling for more honesty and less corruption, something must be seriously wrong.

40. The report painted an absurdly slanted picture of the situation in the Middle East. It complained about Israel's use of water but failed to acknowledge that the Palestinians refused to cooperate in the treatment of sewage; it mentioned the closing of the Erez crossing into Gaza as a cause of hardship while ignoring the attack by a female terrorist that had prompted that closing; it made no reference to the use of ambulances to smuggle terrorists, weapons and possibly even the body parts of slain Israeli soldiers; and it spoke of Israel's seizure of funds from Palestinian banks without explaining that those funds were being used to fund terrorism.

41. Over 80 per cent of the Palestinian Authority's trade was with Israel; that trade had increased by 16 per cent between 2002 and 2003 but was still far from the level of 2000. Before the current onslaught of terrorism, the Palestinian unemployment rate had decreased by almost 50 per cent and trade and investment had grown exponentially. Clearly, the standard of living of the Palestinian people could be improved only through a total elimination of terror and a dialogue with Israel aimed at ending the conflict. Instead, the report took the view that terrorists were righteous, justice was terrorism and pain was no longer a universal experience.

42. The statement in the Koran that all people were a single nation accorded well with the mandate of the United Nations and with the inner morality felt by all. No one had a monopoly on misery and everyone had a right to economic, physical and spiritual health. The Council should cease to consider reports which were framed in language biased towards one side of the conflict in the Middle East and which exacerbated problems by giving fabrications and distortions a lifetime far in excess of what they deserved.

43. **Mr. Sabbagh** (Syrian Arab Republic) said that the report further blackened Israel's history and exposed the suffering caused to Palestinian and Arab inhabitants of the occupied territories by Israeli settlement practices and other acts of violence in contravention of United Nations resolutions. The victims of such acts, including children, had increased and Israel had also intensified its policy of extrajudicial killing. Moreover, hundreds of the increasing number of Palestinians under arbitrary arrest and detention were subjected to torture and to inhumane and degrading treatment at the hands of the Israeli security forces, while others had died of neglected health problems. The report also catalogued Israel's destruction and confiscation of Palestinian land and property, as well as the mobility restrictions from which even humanitarian organizations and students were not exempt.

44. In the occupied Syrian Arab Golan, the Israeli occupation forces continued their repression and intimidation of the Arab inhabitants. Blocking the road to peace, they had also stepped up their illegal settlement activities in a bid to alter the demographic composition of all occupied territories and in flagrant violation of the Fourth Geneva Convention, under which settlement was deemed to be a war crime. The barrier now being built on wide areas of Palestinian land clearly revealed Israel's aspirations to strengthen settlement in the occupied Palestinian territories, including Jerusalem, which it aimed to isolate from those territories. It thus hoped to create new facts on the ground and to place obstacles in the way of the Israeli withdrawal from the occupied territories in accordance with the relevant Security Council resolutions, thus preventing the establishment of an independent sovereign Palestinian State. It was determined to forge ahead in defiance of the recent advisory opinion of the International Court of Justice, according to which the barrier was illegal and should be dismantled. He therefore renewed his appeal to the international community not to let Israel get away with flouting international legitimacy and resolutions of United Nations bodies and also appealed to those States which systematically advocated human rights to take action to counter the tragic economic and social conditions facing the inhabitants of all Israeli occupied territories.

45. **Ms. Tallawy** (Economic and Social Commission for Western Asia) said that the representative of Israel had always accused the Commission and the Secretariat of bias in its reporting. She pointed out that the information provided covered all people in the region, including Israel, and had been specifically prepared in line with a mandate calling for an analysis of the impact of the Israeli occupation on the socio-economic situation of the Palestinians. That neither meant that Council was required to focus on the suffering of the Israeli people nor that it should concern itself with corruption in the Palestinian Authority. Previous reports had indicated that four projects financed by the European Union or individual Member States in Europe had been destroyed by Israel

and in no way had those reports been based on allegations or been partial.

46. **Mr. Al-Rasheed** (Saudi Arabia) said that the report placed matters in context and accurately reflected the suffering of the Palestinian people as a result of the arbitrary acts and repression carried out by the Israeli authorities.

Introduction of draft resolution E/2004/L.23

47. **Mr. Gala Lopez** (Cuba), introducing draft resolution E/2004/L.23, entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations", said that the Council's work in facilitating and coordinating the work of the entire spectrum of the United Nations system in the 16 Non-Self-Governing Territories must not be underestimated. As the Council pursued its mandate, under the Charter, to promote progress in economic, social, cultural and educational terms, in observance of human rights and fundamental freedoms, those territories would continue to benefit from cooperation with the United Nations and its institutions. As indicated in the draft resolution and the report of the President of the Council on consultations held with the Chairman of the Special Committee on Decolonization, a number of specialized agencies and institutions within the United Nations system included Non-Self-Governing Territories in their projects and programme activities. In that regard, he commended the Economic Commission for Latin America and the Caribbean, the Organization of East Caribbean States, the Economic and Social Commission for Asia and the Pacific and the Pacific Islands Forum for assisting Non-Self-Governing Territories. Both texts reaffirmed the acknowledgement by United Nations bodies of the legitimate aspiration of people in the Non-Self-Governing Territories to exercise their right to self-determination. The draft resolution requested the specialized agencies and other organizations association with the United Nations as well as the international and regional organizations to speed up progress in terms of the economic and social development of the Territories. The President of the Economic and Social Council was also requested to pursue, with the Chairman of the Special Committee on Decolonization, issues involving implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

Introduction of draft resolution E/2004/L.25

48. **Mr. Ayari** (Tunisia), introducing draft resolution E/2004/L.25, entitled "Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan", said that the deteriorating situation in the occupied Palestinian territory including East Jerusalem had had a devastating effect on the economic and social conditions of the Palestinian people. The economic indicators bore alarming testimony to the increasing percentage of unemployment and poverty levels among the Palestinian population. The report also provided shocking evidence of the repercussions that Israeli settlements and the construction of the wall in the occupied Palestinian territory continued to have on the living conditions of the Palestinian people. It also documented the negative effects that the expansion of Israeli settlements in the occupied Syrian Golan were having on the people's access to natural resources and social services. He welcomed the advisory opinion rendered in July 2004 by the International Court of Justice and reaffirmed the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources. He urged Member States to encourage private foreign investment in order to alleviate the hardship of the Palestinian people.

49. **Mr. Shrein** (Observer for Palestine), speaking in exercise of the right of reply, said that the responsibility for the misery and suffering of the Palestinian people did not lie with their leaders. The prolonged brutal and oppressive Israeli occupation prevented the Palestinian people from achieving their freedom, and if Israelis were also suffering, that was because their Government insisted on colonizing other people's land and refusing to negotiate on the basis of international law and legitimacy. It was clear that his country had been under Israeli occupation for the past 37 years and anti-terrorism should not be used as an excuse to prevent the Palestinian people from achieving their right to self-determination and their freedom. The Israeli Government could end the suffering of both the Israeli and Palestinian people by ending the immoral occupation.

50. **Mr. Sermoneta** (Israel), speaking in exercise of the right of reply, said that it was easy to blame the stronger party. He was surprised that the Observer for Palestine failed to recognize a few basic facts known by many Member States. Rejection had accompanied Palestinian policy-making from 29 November 1947 to the Camp David talks in 2000. Terrorism had not been born after the so-called occupation. The Charter of the Palestine Liberation Organization had talked about occupation in 1964, even before the 1967 war. In terms of self-determination, the Palestinians were playing a zero-sum game. As long as the dehumanization of wishing one's own death in order to cause someone else's continued, there could be nothing but more violence. Trying to reverse the wheel of history wasted everybody's time and resources and dashed people's hopes. The majority of people in Israel were still interested in a settlement of the dispute, but on the Palestinian side all he saw was total disregard, disrespect and a lack of consideration.

51. **Mr. Shrein** (Observer for Palestine), speaking in exercise of the right of reply, said that Palestine was interested in resolving the issue based on international law and legitimacy. What was required of Israel was to end the occupation of Palestinian lands captured in 1967. It was not a debate about Israel's right to exist, but about Palestinians trying to have that right next to Israel in their own state. The prolonged, immoral Israeli occupation was having a negative impact on both parties, corrupting the Israeli side. For the benefit of the people of the region as a whole, the occupation must be brought to an end as soon as possible based on the two-State solution. In the Israeli government coalition, there were factions that were calling for the transfer of Palestinians altogether from the West Bank and Gaza, which he found to be racist.

Coordination, programme and other questions

(g) Information and Communication Technologies (ICT) Task Force (E/2004/62)

(h) Tobacco or health (E/2004/55)

52. **Mr. Gerus** (Belarus), commending the work of the Information and Communication Technologies (ICT) Task Force, said that since June 2003 it had done a great deal to meet the needs of Permanent Representatives and observer missions for rapid access to the information databanks of the United Nations, to modernize their information technology and to help delegates to use the Internet for accessing official documentation. He supported the recommendations of the Task Force for regular updating of the site dedicated to missions in New York, and for training in information protection for the Secretariat and for mission staff. He also welcomed the consideration being given to issuing resolutions and decisions of the principal organs of the United Nations on compact disk. The Task Force should continue monitoring and updating the Organization's information systems and ensuring their accessibility to all Member States.

53. The second annual report of the Task Force showed that the past year had been full of heavy responsibilities in a variety of activities. He welcomed its endeavours to fulfil its international mandate to assist the development process, in accordance with General Assembly resolution 57/295. In advance of the World Summit on the Information Society, it had been preparing the ground for using the fruits of the revolution in information and communications technology to achieve the internationally agreed development goals. It should be an important focus of the Council's work to place information and communications technology at the service of development. For the second year in succession, the Task Force had been collaborating with the United Nations Institute for Training and Research, the Ad Hoc Open-ended Working Group on Informatics and the "Intel" company to teach members of diplomatic missions the basics of computing and the Internet, a useful exercise which should be continued in 2005.

54. **Mr. Ayari** (Tunisia) said that information and communication technologies were an indispensable instrument for development. The United Nations Information and Communication Technologies Task Force was in a particularly good position to promote development and the elimination of poverty. It was important to pursue the initiatives and projects designed to promote information and communication technologies in key areas such as education, health, human resources development and capacity-building. The Task Force should continue to play an important role in the process leading to the World Summit on the Information Society, in particular the follow-up of the Geneva phase and preparations for the Tunis phase. The Secretary-General's report stressed the need to shift the focus to development rather than remain on information technologies per se and to ensure that

international development objectives such as the Millennium Development Goals became the centre of the global action plan. Triangular cooperation could be an appropriate framework in assuring complementarity between developed and developing countries which had managed to acquire their own information and communication technologies capabilities. He called for the United Nations Information and Communication Technologies Task Force to attach particular importance to South-South cooperation.

55. **Mr. Neil** (Jamaica) commended the Information and Communication Technologies Task Force on its work, particularly in building partnerships and contributing to information and communication technologies (ICT) policy and governance. Capacity-building and resource mobilization were the most critical areas of work for the Task Force, but capacity-building should be focused on both human capacity and physical infrastructure.

56. He welcomed the establishment of the digital diaspora networks which drew on the expertise and knowledge of expatriate communities and, in that connection, referred to initiatives taken in the Latin American and Caribbean region. He noted, however, that the special needs and challenges faced by the smallest economies must be taken into account, mainly because of their disadvantaged position, with respect to investment flows and infrastructure development.

57. He looked forward to the proposal for a system-wide strategy to use ICT as a tool in the development programmes of the United Nations system which was scheduled to be submitted to the Secretary-General in 2004, and hoped the content of the proposal would be shared with Member States of the United Nations prior to the negotiation of the triennial comprehensive policy review. The ultimate objective of the work of the Task Force should be to accelerate development through the use of ICT, an objective that could only be achieved if more effort were made to increase access for the poor in remote communities and small- and medium-sized enterprises at low cost.

58. **Ms. Yamamoto** (Japan) said that her delegation appreciated the significant work carried out by the Ad Hoc Inter-Agency Task Force on Tobacco Control; her Government attached great importance to tobacco control as a health issue and recognized the need for international cooperation in public health. In that vein, Japan had accepted the Framework Convention on Tobacco Control which was expected to provide a well-balanced basis for negotiations, taking into account the needs of tobacco producers and consumers. The adverse effect of tobacco consumption on health was not in doubt, but the report of the Secretary-General had also shown its impact on a number of areas such as education, environment, economic growth and poverty. The varied aspects of tobacco control required a comprehensive and sector-wide approach. In that context, the Government of Japan fully supported the work of the Task Force in promoting the implementation of effective and comprehensive tobacco strategies.

59. **Ms. Fleming** (World Bank), speaking as a member of the United Nations Inter-Agency Task Force on Tobacco Control, said that the members of the Task Force had worked with local and international experts to analyse the link between tobacco and poverty. It had been determined that priority should be placed on the reduction of smoking, deterring young persons from taking up smoking and the protection of vulnerable populations, including women and children, from exposure to smoke.

60. The addictive nature of tobacco entrapped poor smokers and their families in a cycle of economic hardship because of the significant proportion of household income spent on tobacco products. In addition, there was the added risk of income loss and health-care costs which accrued in the case of sickness. Many developing countries had experienced an increasing burden of non-communicable diseases, a clear impact of rising tobacco use.

61. In addition to smokers and their families, new evidence showed that small tobacco farmers also faced increasing risk of poverty, despite the increase in world demand for the tobacco leaf. Unstable world prices, due in part to a saturated world tobacco supply market, environmental problems, lack of technical and financial support for crop diversification, declining soil fertility and green tobacco sickness were some of the threats to tobacco growers.

62. To reduce poverty attributable to tobacco, Governments could help to change the social norms on the acceptability of smoking through public information campaigns on the health and economic aspects of tobacco use. Governments could also help poor smokers to stop or reduce smoking, with a further

thrust to prevent young people from starting. In addition, Governments could deepen their understanding of the difficulties facing tobacco farmers and help them with the adoption of appropriate policies.

63. Tobacco control was indeed a challenging task which could be boosted by a strong global movement. The international community must act immediately to curb and reverse the growth of the smoking epidemic to prevent unnecessary deaths and disease.

64. **Ms. Chenoweth** (Food and Agriculture Organization of the United Nations) said that the Food and Agriculture Organization of the United Nations (FAO) supported measures to curtail smoking and, within the context of inter-agency cooperation, particularly the work of the Task Force, FAO had undertaken a project consisting of a number of studies on various aspects of the global tobacco economy. One of the publications emanating from that work attempted to project developments in the tobacco economy for the remainder of the decade and reviewed trends in global patterns of production, consumption and trade since 1970. The second publication provided a closer look at tobacco economies in a few countries and provided a deeper understanding of the economic contribution of tobacco production and the likely impact of tobacco control on producers and exporters.

65. The results of projections indicated that if present policies continued, global production and consumption of tobacco would be expected to grow due to population growth and increasing income levels. By the year 2010, tobacco consumption would amount to some 7.1 million tonnes, a rate of growth that was lower than in the 1990s. Per capita consumption of tobacco in developing countries was expected to continue to rise although it was contracting in the developed countries.

66. An alternative scenario had also been analysed, incorporating assumptions that consumption taxes would be significantly increased and that support for tobacco farming would be reduced. The impact of those measures would be fairly modest: aggregate levels of production and consumption would still not decline, although the average global consumption per capita would be expected to contract slightly. If strong and effective tobacco control measures were to be introduced, to the extent that consumption declined, there would be a significant economic impact on the economies of tobacco-producing countries. The extent of that impact would depend on various factors, particularly the existence of alternative economic opportunities in agriculture or in other sectors and the degree of control measures both within a country and in those of its major trading partners.

67. Many farmers produced tobacco because it was lucrative, and they were unlikely to switch to other crops unless the price of tobacco fell significantly. A shift away from tobacco production to other industries could become necessary in order to minimize economic losses if demand for tobacco were to weaken. Alternative crops could be grown on most lands now under tobacco production and there were other potential sources of employment for tobacco industry workers. Assistance from the international community would be particularly beneficial to countries that were more heavily dependent on tobacco as it would allow the necessary adjustments to be made in an efficient manner.

The meeting rose at 12.45 p.m.

United Nations

E/2004/SR.44

Economic and Social Council

Provisional

16 September 2004

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Substantive session of 2004
General segment

Provisional summary record of the 44th meeting
Held at Headquarters, New York, on Tuesday, 20 July 2004, at 10 a.m.

President: Mr. Koonjul (Vice-President) .... **(Mauritius)**

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In the absence of Ms. Rasi, Mr. Koonjul (Vice-President) took the chair.

The meeting was called to order at 10.25 a.m.

Social and human rights questions (*continued*)

(g) Human rights (*continued*)

1. **The President**, recalling the question which had arisen at the previous meeting in relation to draft decision E/2004/L.21, said that a legal opinion had been requested on the competence of the Council to adopt a resolution superseding a decision taken by a functional commission, in the present instance decision 2004/117 of the Commission on Human Rights. He invited the Acting Legal Counsel to answer that question.

2. **Mr. Zacklin** (The Acting Legal Counsel) referred to the letter addressed to the Office of Legal Affairs by the Vice-President, requesting a legal opinion on paragraph 3 of draft decision E/2004/L.21, whereby the decision, if adopted, would override Commission on Human Rights decision 2004/117 on the question of human rights and human responsibilities. According to Article 68 of the Charter: "The [Council] shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions". The Commission on Human Rights had been established as a functional commission. As the parent body, the Council retained in principle the power to overrule decisions of the functional commissions. That was a power inherent in its competence. It could be exercised in respect not only of those decisions which were submitted to it, but also in respect of those which were not. However, a review of its practice had shown that it used that power sparingly. One recent example was resolution 2003/58 of 24 July 2003 whereby the Council had overridden Commission on Human Rights decision 2003/113 of 25 April 2003. In the event of a challenge to the Council's competence to override a decision of one of its functional commissions, a decision could be taken under rule 56 of its rules of procedure.

3. **The President** invited questions in clarification of the statement by the Acting Legal Counsel.

4. **Mr. Reyes Rodríguez** (Cuba) said that the draft decision already introduced by the observer for the Netherlands, on behalf of the European Union and other co-sponsors (E/2004/L.21), related to a Commission on Human Rights decision which did not formally exist, since it had not been published as an official document in all official languages. Moreover, the report of the Commission on Human Rights incorporating that decision was not available.

5. **Mr. Hof** (Observer for the Netherlands), speaking on a point of order, said that the observation by the representative of Cuba was not a question in clarification of the statement by the Acting Legal Counsel, but an expression of opinion on that statement.

6. **The President** invited the representative of Cuba to frame his observation in the form of a question.

7. **Mr. Reyes Rodríguez** (Cuba), after expressing his surprise that a draft text had been introduced in relation to a decision which had not been officially made, thereby prejudging the issue, asked what was the view of the Acting Legal Counsel on the regularity or otherwise of that procedure.

8. **Mr. Xie** Bohua (China) said that the Council had not yet seen the text of Commission decision 2004/117, to which draft decision E/2004/L.21 referred. His delegation had had no objection to the draft decision being introduced. However, Commission decision 2004/117 had not been submitted to the Council; no discussion of its text should take place before it had been submitted.

9. **Mr. Hof** (Observer for the Netherlands) said that the Acting Legal Counsel had already given a clear answer to the question whether the Council was authorized to override a decision of one of its functional commissions. The question of the availability of reports in all the official languages was a completely different issue.

10. **Mr. Reyes Rodríguez** (Cuba) said that no question had been put by the observer for the Netherlands, although he had previously argued that questions, not observations, were called for. The Council was entitled to debate item 14 (g) of its agenda at the present meeting, because according to the *Journal* the item was on its agenda.

11. **The President** invited the Acting Legal Counsel to answer the procedural question which had been raised.

12. **Mr. Zacklin** (The Acting Legal Counsel) said that the question as to whether a document was before the Council related to the working methods of the Council. It was a technical question, quite different from the first question put to him. There was no doubt that decision 2004/117 of the Commission on Human Rights existed; it had been taken at the 57th meeting of the sixtieth session, on 21 April 2004, and the voting had been 26 in favour, 25 against, with 2 abstentions.

13. **Mr. Reyes Rodríguez** (Cuba) said that the report of the Commission on Human Rights existed only in draft form in document E/CN.4/2004/L.10. Thanks to information technology and the Secretariat web site, it could be accessed in that form. However, it would not be official as far as the Council was concerned until it was available in all the official languages and had been submitted to the Council.

14. **The President** said that that remark raised the question whether the decision in question could be overturned by the Council in the absence of a document incorporating it. He asked the Secretary to comment on that question.

15. **Mr. Khane** (Secretary of the Council) said that document E/2004/23 (Part I), containing part of the report of the Commission on Human Rights, had just been issued.

16. **Mr. Xie** Bohua (China) said that his delegation had been unable to obtain the report. On the procedural question, it was clear that draft decision E/2004/L.21 was linked to decision 2004/117 of the Commission on Human Rights; moreover, the Acting Legal Counsel had confirmed it. He now wanted to know the procedural position, given that only one of the two documents was before the Council.

17. **The President** said that he would enquire into the availability of the report. The advice of the Acting Legal Counsel was clear, but it could of course be challenged by any member of the Council.

18. **Mr. Zheglov** (Russian Federation) said that he agreed with the representatives of China and Cuba that a document to be discussed should be available in all the official languages before it was discussed. However, the procedural question was an important one which the Council ought to be able to discuss.

19. **The President** said that the problem of documents not being available in all languages by the time they were needed was an endemic problem. It was, however, a separate issue which should not be confused with the procedural question. The Council should decide whether, in the circumstances, action on the draft decision should be postponed.

20. **Mrs. Houngbedji** (Benin) said that the present debate seemed pointless. It was already established that the Council had the right to challenge decisions made by any functional commission, which included the decision in question of the Commission on Human Rights. However, the report of the Commission was not listed in the *Journal*, nor was it available to members of the Council.

21. **The President** noted that no objection had been raised to the opinion given by the Acting Legal Counsel. Apparently the report of the Commission, although not listed in the *Journal*, was in fact available.

22. **Mr. Xie** Bohua (China) said that delegations must be able to see the report before discussing the draft decision submitted to the Council.

23. **Mr. Khane** (Secretary of the Council) said that the report had in fact been issued, but not in time to meet the deadline for the *Journal*. He would try to ensure that copies reached the Council Chamber.

24. **Mr. Wood** (United Kingdom) said that according to the clear advice of the Acting Legal Counsel it was possible for the Council to override a decision of a functional commission. That issue was not connected to the availability or otherwise of the report in question.

25. **The President** asked whether the representative of China was satisfied with the opinion of the Acting Legal Counsel.

26. **Mr. Xie** Bohua (China) asked whether there was any written rule or document to support that opinion. According to rule 37 of the rules of procedure of the functional commissions of the Council, "The commission shall submit to the Council a report ... on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Council. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council". It was clear from rule 37 that the Council had the power to review decisions and resolutions of the functional commissions. However, at its sixtieth session the Commission on Human Rights had adopted over

100 decisions and resolutions, including 48 requiring adoption by the Council; its decision 2004/117 was not among the latter. There was therefore no legal basis for the draft decision introduced by the observer for the Netherlands. Moreover, it appeared that, since Commission on Human Rights decision 2004/117 did not have to be submitted to the Council, it was already in effect. He would be grateful if the Acting Legal Counsel would elucidate those points.

27. **The President** said that the core question at present was whether Commission on Human Rights decision 2004/117 had actually come before the Council. He invited the Acting Legal Counsel to comment on that question.

28. **Mr. Zacklin** (The Acting Legal Counsel) said that his statement had made it very clear that the legal basis for his conclusion was to be found in Article 68 of the Charter of the United Nations, which stated: "The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions". It was therefore clear that the Council was the parent body of the functional commissions and in principle retained the power to intervene in and overrule the decisions of its functional commissions. In his view, the statement had spoken for itself, and he saw no reason to modify it.

29. **Mr. Xie** Bohua (China) said that, instead of addressing the issue of the rules of procedure of the functional commissions, the Acting Legal Counsel had referred in his explanation to Article 68 of the Charter of the United Nations. He wished to know whether there was any written legal document to support that explanation.

30. **Mr. Essel** (Ghana) said that in his view the discussion at hand was a procedural one. The Council must decide at what point it became properly seized of the issues before it and was empowered to take legal binding decisions. He wondered whether that point was reached when documents became available on the Internet, or when they became available in written form, in all official languages, and asked whether the Secretariat could advise the Council in that regard.

31. **Mr. Reyes Rodríguez** (Cuba) said that the representatives of Ghana and Benin had raised very relevant points. His delegation proposed that the Council defer consideration of the matter until the report was available in all the official languages. The question was whether the Council would seek to overturn a decision of a functional commission, which had been under the impression that the Council would not need to do so.

32. **Mr. Zacklin** (The Acting Legal Counsel) said that the Council's work was guided by its own rules of procedure. In the event of a challenge to its competence to override a decision of a functional commission, rule 56 of the Council's own rules of procedure was applicable.

33. **Mr. Khane** (Secretary of the Council), responding to the question of the representative of Ghana, said that according to the Council's programme of work, agenda item 14 (g) was scheduled for consideration on 21 and 22 July.

34. **Mr. Xie** Bohua (China) said that he was not sure how rule 56 of the Council's rules of procedure was legally related to the issue before the Committee.

35. **The President** said that the Council had been scheduled to consider only the legal opinion regarding the Council's competence to overturn decisions of functional commissions. Questions had then been raised about the availability of documents, but the Secretary had indicated that the documents were available. The substantive issue would be considered on 21 July.

Economic and environmental questions (E/2004/81 and A/59/99-E/2004/83)

(a) Sustainable development (E/2004/12-E/CN.17/2004/3, E/2004/29, Supplement No. 9, and E/2004/33, Supplement No. 13; E/2004/MISC.1)

(b) Science and technology for development (E/2004/31, Supplement No. 11, and A/59/80-E/2004/61)

(e) Environment (A/59/25, Supplement No. 25, and A/59/81-E/2004/63)

(i) United Nations Forum on Forests (E/2004/42, Supplement No. 22)

36. **Mr. Civili** (Assistant Secretary-General for Policy Coordination and Inter-Agency Affairs), introducing the consolidated report of the Secretary-

General on the work of the functional commissions of the Council in 2004 (E/2004/81), said that the Secretariat and the Council could do more to increase the thematic unity of the Council's general segment and, in turn, its overall session. The recommendation to that effect, which had been included in the Secretary-General's report on the role of the Council in the integrated follow-up to conferences (A/59/99-E/2004/83) had perhaps been misunderstood by some delegations. The representative of the Russian Federation had rightly stressed the need for flexibility and cautioned against the duplication of debates, and Mr. Neil, Vice-President of the Council, had rightly stated that the Council should be concerned not only about processes and themes but also — and above all — actual results. The emphasis on thematic unity had been driven by Mr. Neil's concern to enhance the Council's capacity for impact and results, by advocating a central focus across the various themes of the different segments. The various agenda items discussed in those segments would help in two basic respects. Firstly, they would help the Council in its communication and public information effort. Communication was an integral part of the search for results, which must start with consensus-building and then proceed to practical action and concrete progress. Secondly, the capacity of the Council to devise an overarching, action-oriented message could only enhance its capacity to ensure that the different issues it addressed, the various roles it performed and the different audiences it reached in various segments reinforced each other for results. However, greater thematic unity was just one way to strengthen results. The role of the Council in relation to individual countries' situations was also extremely relevant in that context, and many interesting proposals had been made in that regard during the current session.

37. The management function of the Council vis-à-vis its subsidiary bodies could not be simply management for its own sake — it must also have a central policy focus. In view of the growing focus of the Council's work on the coordinated outcomes of conferences and summits, and the central responsibilities of the Council's subsidiaries for guiding the follow-up to conferences, that focus could only be the integrated follow-up to those events. Furthermore, consolidated reports on the work of the functional commissions should be used to facilitate a policy-relevant dialogue that would assist the commissions and the Council to ensure progress in the implementation of conference outcomes and the Millennium Development Goals.

38. In addition to the follow-up conferences, the commissions played a significant role as forums for policy development and expert-level discussions in their specialized fields. Their outcomes were reported to the Council in order to ensure that they contributed to the larger, system-wide effort to promote development. The Council's guidance in that respect could be specific to the work of individual commissions or collective, aimed at promoting stronger synergies in their work. The commissions also contributed to the Council's work by providing specific inputs for its various segments. There was a growing sense that the commissions' reports should be more deliberately geared to achieving greater mutual reinforcement within the Council system. The reporting system should serve four main purposes: to facilitate more coherent and coordinated guidance by the Council; to achieve more effective follow-up by the commissions; to achieve stronger synergies among the various commissions; and to promote stronger and more direct contributions by the functional commissions to the work of the Council itself. Those were the main considerations that had led the Council to decide that the outcomes of the functional commissions should be considered not only on the basis of individual reports, but also on the basis of a consolidated report.

39. The report before the Committee was intended to help advance those goals. It sought to provide an analysis of selected, cross-cutting policy issues that related directly to the implementation of the outcomes of the conferences and summits. It was arranged under six main headings: poverty eradication, education, gender equality, health-related issues, environmental sustainability and global partnerships. It also addressed the question of how those issues affected the realization of the Millennium Development Goals. That approach was particularly relevant to the effort to harness the work of the commissions and the Council's own work in preparation for the 2005 high-level plenary meeting of the General Assembly. While the joint meetings held among the bureaux of the Council and the commissions, and the meeting of the chairpersons of the functional commissions helped the Council to oversee the work of the commissions, there was a general sense that the agendas of the meetings should be more focused and substantive.

40. The opportunities for the commissions to contribute directly to the various segments of the Council's substantive session were another important aspect of the linkages between the Council and its subsidiary machinery. But those opportunities were sometimes missed owing to delays in the selection of segment themes. It was therefore extremely important that the theme for the following high-level segment should be finalized before the end of the substantive session, so that the commissions could have time to prepare their contributions. In the case of the coordination segment, agreement on a multi-year work programme would help enhance the quality of the input from the commissions, as well as from the system as a whole. Although the issue of the commissions' follow-up to the Council's guidance and support recommendations required greater attention, the commissions had taken steps to improve their own functioning. Many had adopted multi-year work programmes, had begun to elect bureaux at the end of the session, and were making use of panels and working groups. Those practices had led to better preparations of their sessions and were helping to improve the relevance and depth of their work. The format of reporting by the commissions to the Council also deserved continued attention, and a number of recommendations and guidelines had been drawn up in that regard. With regard to the recommendations and guidelines on brevity, it would be helpful if the Council stated clearly that brevity meant less procedural and more substantive policy-relevant reporting. The subsidiary bodies of the Council had also taken steps to promote greater exchanges and synergy among themselves.

41. Beyond those procedural improvements, the focus on implementation that increasingly pervaded the work of the Council and its commissions — with the Commission for Sustainable Development at the forefront — was among the most promising developments, in terms of gearing working methods to results and helping to achieve greater collective impact. The improved interaction between the commissions and the funds and programmes should be seen, and encouraged, from the same perspective. It should be pursued as a wider, system-wide effort to strengthen linkages between normative and operational work, and might prove to be a crucial contribution by the Council towards achieving a genuine, common, result-oriented mode of implementation.

42. **Ms. Punyaratabandhu** (Thailand), Chairperson of the Committee for Development Policy (CDP), introducing the report on the sixth session of the Committee for Development Policy, said that the Committee had addressed three major themes during its session. The first was the theme adopted for the 2004 high-level segment, on how to improve resource mobilization and ensure an enabling environment for poverty eradication in the least developed countries. The second theme was the question of how to evaluate progress towards good governance in the context of the implementation of the Millennium Development Goals. The third concerned issues arising from its triennial review of the least developed countries.

43. The Committee's recommendations regarding the high-level segment had been presented to the Council in June. With respect to the second theme, the Committee had noted that since the early 1990s good governance had been increasingly recognized as necessary for sustainable development and poverty reduction, and for developing countries was an essential precondition for enhancing their ability to generate income and reduce poverty. Designing institutions and mechanisms for good governance in developing countries should be an interactive process between donor Governments and international organizations and recipient countries. With respect to the triennial review of the least developed countries, the Committee had confirmed the conclusion of its fifth session, that Cape Verde and the Maldives qualified to graduate from the list of least developed countries, and it had made a recommendation to the Council to that effect. At the same time, however, it had stressed the need for a smooth transition strategy, which would include the establishment of an ad hoc advisory group.

44. Apart from the substantive areas requiring attention, she would note one procedural aspect of the Committee's proposals for graduating countries. The Committee felt strongly that the graduated country itself should play the central role in the formulation and implementation of the smooth transition strategy, as well as in the proposed multilateral advisory group, which should operate at the country level, identifying measures to ensure that development progress was not interrupted or reversed, helping to monitor the process and perhaps suggesting additional measures as the transition evolved. The Committee had also agreed that, in preparation for its next triennial review, in

2006, it would examine at its 2005 session the possibility of further refining its criteria.

45. Lastly, she noted that the Bureau of the Council and the Bureau of the Committee had held a useful joint meeting in March 2004. An important issue raised during their meeting was how the Council could make best use of the Committee's work. Participants had agreed that it was important to ensure that the Committee's contributions could feed into the Council's work, including the high-level-segment preparatory process, in a timely and adequate manner.

46. **Mr. Kinniburgh** (Director, Development Policy and Planning Office, Department of Economic and Social Affairs), reviewing the contents of a forthcoming report by the Secretary-General on a smooth transition strategy for countries graduating from least-developed-country status, said that, in order to avoid the possibility of a disruption to development, it was necessary to identify the benefits they currently received and decide upon a strategy for coping with their possible withdrawal. The two underlying principles were that the strategy should be tailored to the situation of each country and that the country itself should play the lead role in formulating it.

47. An ad hoc country advisory group should be set up by the Government in question, with support, if requested, from the United Nations resident coordinator, and should include the country's development and trading partners. The agreed machinery should work at the country level and use existing national policy-making and cooperation arrangements. Monitoring should be one of the advisory group's responsibilities.

48. There were four major benefits attendant upon least-developed-country status: preferential market access; special treatment with regard to World Trade Organization (WTO) obligations; official development assistance (ODA) and other financing; and technical cooperation and other forms of assistance. A way had to be found of effecting a smooth transition in each area. It was a mistake to view graduation primarily as a loss of benefits when, in reality, it was a reflection of a country's success in achieving sustained development under difficult circumstances. The objective was surely to make graduation the rule rather than the exception for all least developed countries.

49. Introducing the report of the Secretary-General on implementation of the Charter of Economic Rights and Duties of States (A/59/99-E/2004/83), he said that, as suggested in the report, the Council and the General Assembly might reconsider the necessity of continuing the mandated quinquennial review of the implementation of the Charter, in view of the subsequent monitoring arrangements that had been put in place.

50. **Mr. Al-Mahmoud** (Qatar), speaking on behalf of the Group of 77 and China, said that development goals could not be implemented piecemeal but only in an integrated way, and that the consolidated report on the work of the functional commissions of the Council in 2004 (E/2004/81) provided a useful analysis of major policy issues, using the Millennium Development Goals as a guide.

51. The Council had to play a central role in synchronizing the work of the intergovernmental bodies dealing with social and economic issues, while recognizing their particular areas of expertise in relation to the outcomes of particular conferences or summits. The specialized approach of the functional commissions allowed them to identify priority issues for system-wide implementation, which contributed to the Council's work on a given theme. A timely decision by the Council on the themes it would discuss at the high-level and coordination segments could in turn facilitate the work of the functional commissions. The Group of 77 and China were in process of finalizing a multi-year work programme for the coordination segment focusing on cross-cutting issues common to the various conference outcomes, which would give lead time to the subsidiary bodies.

52. More had to be done to link the normative and operational work of the United Nations: the functional commissions had to find more effective ways of bringing the operational implications of their work to the attention of the funds and programmes for their policy guidance. In turn, the funds and programmes should bring relevant operational approaches in their work to the attention of the commissions.

53. Regional cooperation had to be further improved. While there should be a clear division between the functions of the regional commissions and those of the functional commissions vis-à-vis conference outcomes, greater cooperation and consultation was needed. Further thought had to be given to the proposed discussion of the work of the regional commissions during the Council's substantive session.

54. The functional commissions should complete the ongoing reviews of their working methods by the following year and discuss them in a detailed but streamlined report. The Group supported the recommended submission of a consolidated report on the work of the functional commissions in 2005 as part of the report on the integrated and coordinated implementation of and follow-up to the outcomes of major conferences and summits. The Council's system-wide integration of the work and follow-up being done in the economic and social fields was still far from complete, and required regional cooperation. The Group of 77 and China would be submitting a draft resolution on the matter.

55. **Mr. Nieuwenhuis** (Observer for the Netherlands), speaking on behalf of the European Union, the candidate countries (Bulgaria, Croatia, Romania and Turkey), the stabilization and association process countries (Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia) and, in addition, Iceland and Norway, said that they looked forward to a Council decision confirming the graduation of the Maldives and Cape Verde from the list of least developed countries, given their remarkable progress in development.

56. General guidelines should be developed to ensure a smooth transition for each graduating country, including the Maldives and Cape Verde, and the development partners should discuss the specifics for a given country. The European Union, as the most important supporter of the least developed countries, was ready to suggest ways of facilitating the transition process. It envisaged a graduation/transition mechanism that would begin with a determination by the Committee for Development Policy, after two consecutive triennial reviews conducted in accordance with the criteria set out in General Assembly resolution 46/206, that the country was fit to graduate, followed by the immediate fixing of an automatic graduation date three years thence by the General Assembly, with the Committee then monitoring the progress made by the graduating country until the next triennial review.

57. Countries should take advantage of the period between the General Assembly decision and the actual graduation date to develop specific transition support strategies and prepare for the next phase in consultation with their development partners. Strategies and measures should be devised on a case-by-case basis with the country in charge and should be reflected in the country's poverty-reduction and other development plans. During the interim period, a round table should be set up, led by the national Government, assisted by the resident coordinator, with the participation of donors, international organizations, the United Nations system and others concerned, to study the specific needs and propose post-graduation measures in an appropriate time frame.

58. Trade issues and ODA deserved special attention. The European Union was open to a gradual phasing out of least-developed-country preferences while allowing eligibility for other European Union trade preferences under the Cotonou Agreement to mitigate the negative impact of graduation. Graduation would also affect the rights and obligations of a country as its special WTO treatment was gradually phased out. Lastly, a graduated country would normally no longer be eligible for trade-related technical assistance from donors either, although some donors might wish to continue it. The European Union would consider projects addressing the specific adjustment requirements of a given country.

59. Regarding ODA in general, the European Union member States and the European Union Commission in most cases based assistance levels on a range of criteria related to needs and performance, of which least-developed-country status was only one. Thus, a sudden decrease in ODA levels upon graduation was not to be expected and, indeed, the member States had undertaken to increase their ODA to help ensure a smooth transition.

60. **Mr. Liu** Liquan (China) said that since the World Summit on Sustainable Development, there had been three promising developments: sustainable development goals had been defined more clearly, global economic recovery had led to increased ODA, and there had been more active dialogue and cooperation. The main differences of opinion between developed and developing countries now centred on the issues of responsibility and implementation methods. Countries must take responsibility for strategies suited to their domestic conditions. The international community, in turn, should create an enabling economic environment, be more sympathetic to the difficulties and reasonable requests of the developing countries and offer them practical assistance, under the leadership of the United Nations. Countries should use the partnership initiative developed pursuant to the Johannesburg Plan of Implementation to help realize

the Millennium Development Goals and the World Summit objectives but should make it more standardized and reliable.

61. **Mr. Gallegos Chiriboga** (Ecuador) said that the resolution recommended for adoption by the Council in the report of the Commission on Science and Technology for Development on its seventh session (E/2004/31) emphasized the need for science and technology in promoting development and also identified areas of concern. The developing countries were trying to meet the goal of committing 1 per cent of the gross domestic product (GDP) to science and technology, but unfortunately some had allocated only 0.01 per cent or 0.5 per cent for the purpose. The developed countries, however, had to recognize that many developing countries were using their resources for debt servicing and that realistic, attainable goals should be set.

62. Technology should be transferred free of charge, but it was highly doubtful that the emerging technologies would really benefit the small farmers and their communities, for instance, rather than the large enterprises taking advantage of the cheap labour and environmental conditions. The technological divide referred to in the resolution, which included the digital divide, was not simply a threat but a reality, and a way had to be found to bridge it. Until inequalities in that area were levelled, social and economic development would be delayed and the Millennium Development Goals seriously compromised. The brain drain from the developing countries was a matter of concern, and steps had to be taken to attract and keep talented professionals in their countries of origin. Otherwise, the technological divide would only widen.

63. South-South cooperation was basic in applying science and technology to development. Useful experiences could be shared, policies proposed and networks of public and private scientific and technological institutions in the developing countries could be strengthened. Lastly, even countries considered to be middle-income countries, like Ecuador, also needed international cooperation in applying innovative financial mechanisms.

64. **Mr. Maximychev** (Russian Federation) said that, bearing in mind that sustainable development was among the Organization's top priorities, his delegation welcomed the results of the twelfth session of the Commission on Sustainable Development in which regional mechanisms had played a positive preparatory role. The sessional review had created a favourable premise for negotiating agreements at the Commission's thirteenth session on implementation of the results of the Johannesburg Summit at all levels, particularly in the areas of water, sanitation and human settlements.

65. Science and technology also represented a top priority for the international community since they were a tool for accelerating States' attainment of the Millennium Development Goals. The Commission on Science and Technology for Development contributed positively in that regard, exercising a coordinating function within the United Nations system. The recommendations and decisions resulting from its seventh session provided clear guidelines to Member States on strengthening and using national scientific and technological capacity for development and identified key areas for international cooperation. The operational effectiveness of the Commission should continue to be enhanced.

66. Important results of the eighth special session of the UNEP Governing Council/Global Ministerial Environment Forum included the Jeju Initiative (in the areas of water, sanitation and human settlements) and decisions on international environmental management, most particularly the decision to develop an intergovernmental strategic plan for technology support and capacity-building.

67. A major stakeholder in forests, the Russian Federation highly valued the work of the United Nations Forum on Forests and supported a strengthening of its role in coordinating forest policy dialogue within the United Nations system and in making forests a priority on the global environmental agenda. The Forum would be carrying out important work to further global and system-wide cooperation on the issue, including in the context of the Collaborative Partnership on Forests, and its secretariat should be strengthened accordingly. The Forum must now intensify efforts to implement its multi-year programme of work, to ensure that the mandate of its Ad Hoc Expert Group on Consideration with a View to Recommending the Parameters of a Mandate for Developing a Legal Framework on all Types of Forests was fulfilled and to prepare for negotiations on an effective international mechanism on forests at its fifth session.

68. **Mr. Da Fonseca** (Observer for Cape Verde) said that his Government saw the qualification of Cape Verde for graduation from least-developed-country status as international recognition of the validity of its efforts to promote development. It had already publicized its intention to prepare for the changes that would come with graduation. It would proceed carefully into uncharted territory, an approach warranted by the country's great environmental and economic vulnerabilities, such as scant economic diversification, low production and high dependency on ODA and remittances from immigrants, as well as the constraints common to all small island developing States. Cape Verde hoped that the international community would not fail it as it continued on the road to development. His Government was firmly on a path to transforming the economy, and its long-term development strategy was being implemented in partnership with the private sector. With few resources, however, it required access to capital and to markets under favourable conditions until it could reach a stage of self-sustainability.

69. It was indispensable in all cases to devise a framework of specific transitional measures guaranteeing that graduation would usher in dynamic development. The transitional period should begin after the General Assembly's pronouncement, and least-developed-country status should be maintained during the transition according to established general guidelines recommended by bilateral and multilateral partners, taking into account the specific country situation. It was a complex process to devise a transition strategy, and it required resources for analysis, research and negotiations that were not readily available to less developed countries. A mechanism to monitor the application of agreed measures and the changing situation in the graduating country should also be set up. At the end of such a pre-graduation phase, the country would leave the least-developed category with a clear picture of what to expect in order to sustain its development efforts, and it would not have sent misleading signals to development partners or foreign investors that might induce them to reduce their aid. The essential was for development to continue without disruption. Although the primary responsibility rested with the least developed country itself, it was nevertheless a shared responsibility.

70. **Mr. Kotis** (United States of America) said that in the two years that had elapsed since the United Nations Conference on Financing for Development and the World Summit on Sustainable Development, a consensus had emerged that it was time for the international community to focus on implementing its commitments rather than on negotiations. Delivering on commitments would require a rethinking of the structure and outcome of meetings. Thanks to the able leadership of the Bureau, the twelfth session of the Commission on Sustainable Development had been marked by record levels of broad-based participation in substantive plenary discussions, dynamic exchanges at a well-attended Partnerships Fair and practical training for approximately 500 participants at the Learning Centre. At the thirteenth session, the challenge would be to maintain the momentum and to build on the best practices and lessons learned from the twelfth. It was important for the Council's functional commissions to take an active role in efforts to improve people's lives and he hoped not only that the Commission would deliver a useful framework for follow-up and implementation but also that other United Nations bodies would follow suit in seeking interactive, action-oriented ways of addressing global challenges.

71. **Mr. Toscano** (Observer for Switzerland) said that the sharing of experiences at the twelfth session of the Commission on Sustainable Development had most usefully indicated how the international community was honouring the commitments made at Rio de Janeiro and Johannesburg. The major challenge now was to maintain the momentum by using the lessons learned to best advantage. His delegation was convinced that in April 2005 the Commission would come out with relevant policy guidelines for moving the sustainable development agenda forward. Because the Global Ministerial Environment Forum and the UNEP Governing Council sessions were important for setting global environmental policy, his country welcomed the Jeju Initiative, as it did the decision on continued enhancement of global environmental governance. Switzerland had a major chemical industry and was host to the most important treaty bodies on chemical policy. For that reason, it was committed to an effective and transparent international policy for the management of chemicals as a way of protecting human health and the environment. It was his hope that, when deciding on the location of the secretariat of the Rotterdam Convention in September 2004, Member

States would contribute to the forging of synergy by supporting the Geneva chemicals centre of excellence.

72. Regarding international forestry policy, his Government had mixed feelings about the outcome of the fourth session of the United Nations Forum on Forests, which had failed both to adopt decisions in several major areas and to follow through on the work done by the secretariat for the Convention on Biodiversity and other like-minded institutions. Obviously, the Forum needed to be reformed and the end of its mandate in 2005 should be used as the occasion to strengthen it by transforming it into a global centre for international forestry policy.

73. **Mr. Gerus** (Belarus) said that the newly elected Bureau must ensure that the Commission on Sustainable Development functioned effectively at its thirteenth session by building on the results of the previous session, especially in view of the important programming decisions it would be making in the areas of water, sanitation and human settlements. The Commission on Science and Technology for Development played an important role in regional cooperation on development. At its seventh session, the Commission had supported the use of the achievements of science and technology to attain Millennium Development Goals. The Environment for Europe process had created a favourable political climate for cooperation on environmental issues and served as a tool to facilitate sustainable development in the region.

74. **Ms. Hernandez** (Cuba) said that in keeping with her country's traditional solidarity with the least developed countries, she found it hard to understand the position of the Committee for Development Policy. In chapter II of the Committee's report, it appeared that their problems had more to do with lack of policy commitment and proper management of public affairs than with the historic exploitation of their human, natural, physical and financial resources. It would also appear that their marginalization from reaping the benefits of globalization had virtually been of their own making and had nothing to do with the rules of an imposed system which guaranteed the increasing accumulation of revenue and wealth by a few. The Committee did recognize that most of those countries, despite having liberalized all sectors of their economy, privatized almost all their State-owned enterprises and given foreign capital a free hand, had failed to achieve satisfactory economic and social results. All that notwithstanding, the Committee was recommending the deepening of reforms whereby the Governments of those countries would relinquish any advocacy to finance their fiscal deficits at the same time as they sought to meet the needs of their poor, build and modernize their infrastructure and promote entrepreneurship. They were supposed to liberalize interest rates and also secure domestic savings that attract foreign capital while preventing capital flight; they were supposed to liberalize exchange rates and at the same time, increase and diversify their exports. All that defied the logic of economics and was virtually impossible to do under the conditions in which those countries found themselves.

75. The recommendations of the Committee made it appear as though the Governments of the least developed countries were virtual magicians. She wondered why the Committee proposed neither debt cancellation under the Enhanced Highly-Indebted Poor Countries Initiative nor trade negotiations within WTO to remove the subsidies maintained by the developed countries and improve the market access of products of export interest to the least developed countries. No effective measures that made economic and commercial sense were proposed to give them special and differential treatment in the agreements being negotiated. Nor was any suggestion made for fuller least-developed-country participation in decision-making within the international financial institutions. There was no insistence that the developed countries should devote once and for all 0.7 per cent of their gross national product as internationally agreed. Her delegation felt that so sensitive a matter could not be addressed unfairly and all the blame laid on the Governments of the poorest countries in the world. An understanding of the structural nature of the problems they encountered was required and a clear invitation had to be issued to the international community to comply immediately with its commitments to development.

76. In chapter III, the Committee acknowledged that structural adjustment policies based on market forces had failed and that development assistance had not been effective. In that context, the report recommended that, since bad policies and poor management in the beneficiary countries were largely to blame for those failures, development assistance should be granted only on condition of sound management of public affairs. In other words, the Committee was validating what a group of developed countries had defined as

sound management of public affairs and imposing that as a condition for developing countries to access those resources absolutely necessary for the survival of their people. She failed to understand how failure in the pursuit of neo-liberal structural reforms could be seriously ascribed to anything else when, instead of the expected economic growth, those reforms had created in most developing countries rampant poverty, hunger, epidemics and disease. Shamelessly, the failure of policies to address problems that existed in the management of public affairs was being justified. It was not only developing countries that had problems with the sound management of public affairs. The conflicts of interest, influence-peddling and corruption among the chief executives of transnational corporations in rich countries had been amply reported in the media and the source of the money that was corrupting the Governments of poor countries could well be traced.

77. While her delegation shared the view that healthy interaction among Governments, civil society and the business sector, together with broad participation of the people in decision-making, probity and austerity in the management of public resources and development assistance, accountability and the rule of law could be highly important factors for development and poverty reduction, it could not accept that, on the basis of a concept over whose definition no consensus existed, the Committee could maintain sound management as a necessary condition for developing countries to increase their capacity to generate revenue and reduce poverty. Nor could it accept that, on the same basis, good governance should be imposed by donor agencies as a condition for the granting of development assistance which, for many people, would make the difference between life and death. That amounted to taking away, in the name of international cooperation, the right of people to choose their own options for development.

78. **Mr. Ayari** (Tunisia) said that the participation of Governments, international organizations, the private sector, civil society and other stakeholders in the preparations for and the proceedings of the World Summit on the Information Society would be critical to success and make it possible to forge a genuine partnership for reducing the digital divide and harnessing information and communication technologies as a strategic tool for economic, social and cultural development. Convinced of th important role that civil society would play in partnership with Governments and the private sector during the build-up to the second phase in Tunis, his country had advocated the establishment of a standing United Nations fund to finance the various activities of international civil society. Tunisia would contribute the equivalent of US$ 320,000 which would be devoted essentially to helping developing country associations of the disabled, women, and young people to participate in the Summit. He hoped that all stakeholders in the Summit would support the proposal and that the Summit would enable the international community to find ways and means of harnessing the potential of emerging technologies to help developing countries achieve the Millennium Development Goals. It was also his expectation that the Summit would help to demonstrate the potential benefits of globalization and create a new type of relationship among nations based on human solidarity and the sharing of knowledge.

The meeting rose at 1.10 p.m.

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2 September 2004

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Provisional summary record of the 45th meeting

Held at Headquarters, New York, on Tuesday, 20 July 2004, at 3 p.m.

President: Mr. Penjo .... (Bhutan)

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In the absence of Ms. Rasi (Finland), Mr. Penjo (Bhutan), Vice-President, took the Chair.

The meeting was called to order at 3.15 p.m.

Economic and environmental questions (*continued*) (A/59/99-E/2004/83; E/2004/81)

(a) Sustainable development (*continued*) (E/2004/12-E/CN.17/2004/3, E/2004/29-E/CN.17/2004/21 and E/2004/33; E/2004/MISC.1)

(b) Science and technology for development (*continued*) (A/59/80-E/2004/61; E/2004/31-E/CN.16/2004/4)

(e) Environment (*continued*) (A/59/25 and A/59/81-E/2004/63)

(i) United Nations Forum on Forests (*continued*) (E/2004/42-E/CN.18/2004/17)

1. **Mr. Latheef** (Observer for Maldives) thanked the Council for its support in convincing the international community of the importance of a smooth transition for a least developed country in the event of graduation. Graduation must lead to a more dynamic development process, and his Government had therefore always insisted on approaching it prudently. That was also the approach taken by the Committee for Development Policy (CDP), the Economic and Social Council, and his country's development partners. In that connection, the CDP report (E/2004/33) and the report of the Secretary-General (E/2004/94) contained very important elements that deserved the Council's careful consideration. It was often stated that development was primarily the responsibility of the country concerned. His Government had taken responsibility for the socio-economic development of the Maldives. At the same time, his Government believed that its development partners did not intend to let the country slip backwards. Thus, a collective commitment on their part was essential to future progress.

2. The reports of CDP and of the Secretary-General reflected the concepts of pre- and post-graduation periods. His delegation agreed that graduation was likely to present each country with different challenges; the post-graduation transition period should therefore be determined on a case-by-case basis. His delegation also fully supported the recommendation of CDP to establish an ad hoc country advisory group to work with a graduating country in formulating appropriate transition measures. Such a group could conduct an in-depth study of the cost of graduation and an assessment of the country's ability to sustain development after graduation.

3. While his Government remained flexible as to the structure of the ad hoc country advisory groups, it urged that the arrangements designed by the group be endorsed and formalized by the Council. It also requested that CDP be given a mandate to monitor the progress of graduated countries and report to the Council on its findings.

4. **Mr. Oshino** (Japan) said that his country had made large contributions to sustainable development in the areas of water, sanitation and human settlements. In the water and sanitation sector, it had contributed US$ 1 billion, or one third of worldwide official development assistance, between 1999 and 2001 and $1.8 billion in fiscal year 2002. In addition, his Government would chair the United Nations Advisory Board on Water and Sanitation, to be held within the following days.

5. Education was the basis of sustainable development, and his delegation had therefore proposed the United Nations Decade of Education for Sustainable Development, which would begin in 2005. His delegation also believed that disaster reduction was indispensable for sustainable development. As his country had suffered greatly from natural disasters, his Government wished to share its knowledge and experience at the World Conference on Disaster Reduction, to be held in Kobe in January 2005.

6. With regard to the environment, his delegation welcomed the report of the Governing Council of the United Nations Environment Programme (UNEP) on its eighth special session (A/59/25). The Governing Council's decision on a strategic plan for technology support and capacity-building was of great importance. His delegation looked forward to the successful completion of the work of the high-level open-ended intergovernmental working group and the adoption of the strategic plan at the twenty-third session of the Governing Council. Lastly, his delegation stressed the need to provide UNEP with stable and predictable funding from within the regular budget.

7. **Mr. Owuor** (Kenya) agreed with the representative of Japan concerning funding for UNEP.

8. **Mr. Mabhongo** (Observer for South Africa) said that the twelfth session of the Commission on Sustainable Development had offered an opportunity to reflect on the challenges in the areas of water, sanitation and human settlements. In addition, it had reinforced the importance of international cooperation, including the fulfilment of commitments to developing countries, for the achievement of the internationally agreed development goals, and had laid the foundations for the policy discussions to be held at the thirteenth session. It was already time to begin considering the goals for that session, and his delegation believed that they should be practically oriented and should lead to specific actions.

9. His delegation regarded the establishment of the high-level open-ended intergovernmental working group of the UNEP Governing Council as a milestone on the path to international environmental governance. It would empower developing countries to implement their environmental programmes and would lead to the strengthening of national institutions and policy frameworks for the implementation of global and regional environmental agreements. It should also create linkages with regional mechanisms such as the New Partnership for Africa's Development (NEPAD).

10. **Mr. Siregar** (Indonesia) said that his delegation attached great importance to the follow-up of the World Summit on Sustainable Development and welcomed the new format for the organization of the Commission's work. It also welcomed the outcomes of the eighth special session of the UNEP Governing Council, held in Jeju, Republic of Korea, in March 2004. As a reflection of his Government's active role in promoting environmental protection and sustainable development, Indonesia would host the final meeting of the high-level open-ended intergovernmental working group on an intergovernmental strategic plan for technology support and capacity-building, to be held in December 2004.

11. His delegation welcomed the report of the fourth session of the United Nations Forum on Forests (E/2004/42-E/CN.18/2004/17) and the constructive contribution of that body to the global discussion of an issue of great importance to his country.

Action on recommendations contained in the reports of the subsidiary bodies

Draft decision contained in chapter I of the report of the Commission on Sustainable Development on its twelfth session (E/2004/29-E/CN.17/2004/21)

12. *The draft decision was adopted.*

Draft decision contained in chapter I of the report of the United Nations Forum on Forests on its fourth session (E/2004/42-E/CN.18/2004/17)

13. **Mr. Khane** (Secretary of the Council) said that an amendment to the decision had been adopted without a vote. It was properly reflected in the report.

14. *The draft decision, as amended, was adopted.*

15. **The President** said that consultations were continuing with regard to sub-items (b) and (e). He therefore suggested that the Council should defer its consideration of those sub-items to a later date.

16. *It was so decided.*

(c) **Statistics** (E/2004/24-E/CN.3/2004/33 and E/2004/24/Corr.1)

(d) **Human settlements** (E/2004/70)

(f) **Population and development** (E/2004/25-E/CN.9/2004/9)

(g) **Public administration and development** (E/2004/44-E/C.16/2004/9)

(h) **International cooperation in tax matters** (E/2004/51)

(j) **Assistance to third States affected by the application of sanctions** (A/58/346; E/2004/72)

(k) **Cartography** (E/2004/57/Corr.1 and E/2004/64)

(l) **Women and development** (E/2004/27-E/CN.6/2004/14)

17. **Mr. Bertucci** (Director of the Division for Public Administration and Development Management, Department of Economic and Social Affairs), said that the report on the third session of the Committee of Experts on Public Administration (E/2004/44)

contained conclusions and recommendations on items that the Committee had addressed. They included: the role of human resources in revitalizing public administration, the role of the public sector in advancing the knowledge society, strengthening public administration for the Millennium Development Goals, analysis of existing basic data on the public sector, and review of United Nations activities in the area of public administration.

18. There was a need to find ways to enable public administration to ensure peace and security, the rule of law and the protection of individual life and property, and to create an environment conducive to private sector initiative, economic growth and human development. The revitalization of public administration would involve developing and sustaining partnerships and cooperation between the public sector, civil society and the private sector. There was a need to promote cooperation and exchanges of views between the State and the public administrations of various countries. The Committee had recommended the selective integration of the principles and practices of public management and governance within public administration in order to build and promote efficient, economical, participatory and equitable administrative systems that were responsive and accountable to the public. There was also a need to instil a culture of research within the sphere of public administration, including the application of new information and communication technologies.

19. The public sector must attract, recruit and retain the highest qualified personnel possible. During its third session, the Committee had focused on developing institutions of governance and public administration in Africa; enhancing human capital and the role of human resources in revitalizing public administration; promoting shared and engaged governance; and encouraging the growth and proper governance of an information and knowledge society. The Committee had also recommended that the Council should devote one of its high-level segments to the issue of governance and public administration and bring it to the forefront of the development agenda.

20. The United Nations Public Service Day celebrations and awards for best public service should be given more exposure in order to inspire public servants and increase citizens' awareness of the important role that public servants played. Lastly, the Committee recommended that the Global Forum on Reinventing Government should be held at Headquarters, which would be at no cost to the United Nations, because it was not a United Nations meeting as such but rather an expert meeting.

21. **Ms. Gebre-Egziabher** (Director of the New York Office, United Nations Centre for Human Settlements) said that the report of the Secretary-General on coordinated implementation of the Habitat Agenda (E/2004/70) took stock of progress on funding, partnership, monitoring, coordination and national development strategies and put forward recommendations.

22. A vigorous campaign had been launched to widen the donor base. Governments had responded positively to calls for increased contributions during the 2002-2003 biennium. There were promising signs that some Governments and financial institutions had committed themselves to a multi-year funding. They included Canada and Norway for the Water and Sanitation Trust Fund; the Asian Development Bank for water for Asian cities; the United States of America and Sweden for the Technical Cooperation Trust Fund to support the Special Human Settlements Programme for the Palestinian People; the Netherlands and Norway for the United Nations Centre for Human Settlements Programme (UN-HABITAT) work programme on youth; and others. Earmarked funding remained considerably higher than general-purpose or non-earmarked funding, however, which made it difficult for UN-HABITAT to plan its financial commitments and implement its work programme around strategically focused goals. UN-HABITAT was also developing a slum upgrading facility to raise funds to improve slums and for other human settlements activities.

23. Habitat Agenda partners, including parliamentarians, local authorities, non-governmental organizations and women's and youth organizations, were engaged in the intergovernmental processes and global events of relevance to UN-HABITAT. While engagement with the private sector needed further strengthening, local authorities were already extensively integrated in the Programme's work.

24. The new rules of procedures adopted at the fifty-eighth General Assembly session had paved the way for enhanced engagement of the Habitat Agenda partners in the Programme's activities. The Habitat Agenda task manager system, a broad-based

mechanism to foster better monitoring and enforcement of actions taken by international agencies in support of the implementation of the Habitat Agenda, was built on three pillars: the monitoring activities of the global urban observatory of UN-HABITAT; the flagship reports published annually by UN-HABITAT; and the biennial sessions of the World Urban Forum. UN-HABITAT was participating in the United Nations Development Group (UNDG) at different levels, which had improved collaboration with United Nations agencies, programmes, funds and country teams in the implementation of the Habitat Agenda, the Declaration on Cities and Other Human Settlements in the New Millennium and the relevant Goals and targets of the Millennium Declaration.

25. She encouraged Governments that were in a position to do so to increase the non-earmarked component of their contribution in order to facilitate the implementation of the Habitat Agenda, the Declaration of Cities and Other Human Settlements in the New Millennium and the relevant commitments of the Millennium Declaration, particularly the commitment to achieve a significant improvement in the lives of at least 100 million slum dwellers by 2020.

26. **Mr. Trepelkov** (Officer-in-Charge of the Multi-Stakeholder Engagement and Outreach Branch, Financing for Development Office, Department of Economic and Social Affairs) introduced the report of the Secretary-General on the eleventh meeting of the Ad Hoc Group of Experts on International Cooperation in Tax Matters (E/2004/51). The Group of Experts had conducted extensive and rich discussions on the followings topics: mutual assistance in the collection of tax debts and protocol for mutual assistance procedures; treaty shopping and treaty abuses; interaction of tax, trade and investment; financial taxation and equity market development; transfer pricing; cross-border interest income and capital flight; electronic commerce and developing countries; revision of the United Nations Model Double Taxation Convention and the Manual for the Negotiation of Bilateral Tax Treaties; and the institutional framework for strengthening international cooperation in tax matters. Based on those discussions, the Group had come up with a number of conclusions and recommendations on further work in selected areas, which appeared in bold type throughout the text of the report.

27. Apart from the institutional issues, which were currently the subject of ongoing informal consultations, the Council might wish to take action on the recommendations by the Group of Experts regarding the agenda, time and venue of its twelfth meeting, as contained in paragraphs 73 and 74 of the report.

28. **Mr. Al-Athba** (Qatar), speaking on behalf of the Group of 77 and China on sub-item (d), said that the mass exodus to cities and the rising levels of poverty had led to higher levels of urban poverty, the mushrooming of slums and inadequate provision of water, sanitation and other social services. Currently one third of the world's urban population lived in slums, especially in developing countries, and in Africa an estimated 56 per cent of the urban population lived in slums; that situation would become critical unless drastic measures were taken.

29. According to the Secretary-General's report, the level of contributions to the United Nations Habitat and Human Settlements Foundation (UNHHSF) had increased. However, there was a gross imbalance between earmarked and non-earmarked contributions, with the non-earmarked contributions accounting for only 25 per cent of the total, so that the work of UN-HABITAT was driven by supply rather than by demand. He therefore urged developed countries to increase their contributions to the Foundation, especially by making non-earmarked contributions on a multi-year basis.

30. The Group of 77 and China welcomed the intention of UN-HABITAT to develop a slum upgrading facility and called on their partners to support the initiative.

31. **Mr. Al-Mahmoud** (Qatar), speaking on behalf of the Group of 77 and China on sub-item (h), said that he welcomed the recommendations contained in the report of the Secretary-General (E/2004/51), particularly his recommendations on an institutional framework for strengthening international tax cooperation. From the perspective of developing countries, existing institutional arrangements for dealing with international tax matters were unsatisfactory and did not adequately address the concerns or represent the interests of developing States. There was an urgent need for an inclusive, participatory, and representative dialogue on international cooperation in tax matters.

32. The Ad Hoc Group of Experts on International Cooperation in Tax Matters should be converted into a

truly intergovernmental subsidiary body of the Council in order to give developing countries an effective voice on tax matters. Elections to such a body should follow the Council's usual procedures. Its members should be elected annually on the basis of equitable geographical distribution and should serve as governmental representatives rather than in their personal capacity. It should also be adequately funded and staffed to meet its increased responsibilities.

33. The new committee should be given responsibility for making annual recommendations to the Council on international cooperation in tax matters, including on the Manual for the Negotiation of Tax Treaties between Developed and Developing Countries and model conventions on international tax issues, and should cooperate with other international and regional organizations on new and emerging issues.

34. **Mr. Neil** (Jamaica), speaking on behalf of the member States of the Caribbean Community (CARICOM) that were Members of the United Nations, said that CARICOM States recognized the benefits accruing from cooperation in international tax matters. A fair system allowed developing nations greater facility in mobilizing domestic and external resources for development. Accordingly, CARICOM welcomed the call made at the International Conference on Financing for Development for the strengthening of international tax cooperation with special attention to the needs of developing countries.

35. CARICOM had nevertheless noted with concern that major international bodies, such as the Organization for Economic Cooperation and Development (OECD), sought to create principles and guidelines without the full participation of developing countries. It was unacceptable that a body should attempt to dictate policy binding on States outside its membership, and then pressure those States into complying with such a policy while its own members faced no consequences for non-compliance.

36. Greater transparency was required in a process that might fundamentally affect the economic sustainability of developing economies. CARICOM therefore supported the Secretary-General's recommendation, contained in his report to the General Assembly at its fifty-eighth session (A/58/216), that the Ad Hoc Group of Experts on International Cooperation in Tax Matters should be converted into an intergovernmental body within the subsidiary machinery of the Council. A United Nations forum, with a clear development agenda, would be best suited to promoting transparency, even-handedness and genuine cooperation in matters of concern to all countries.

37. Lastly, CARICOM welcomed the report of the Secretary-General on the eleventh meeting of the Ad Hoc Group of Experts on International Cooperation in Tax Matters (E/2004/51), and trusted that the draft decision introduced under the current agenda item would command the widest support in the Council.

38. **Mr. Owuor** (Kenya), said that the international community must fulfil the commitments it had undertaken at the United Nations Conference on Human Settlements, the Millennium Summit and the World Summit on Sustainable Development, and provide the necessary resources to meet the challenge of providing adequate shelter for all. Although contributions to both UN-HABITAT and the Human Settlements Foundation had increased during the previous two years, earmarked contributions to the Foundation remained higher than non-earmarked ones, making it difficult for UN-HABITAT to plan and implement its work programme. In addition, the donor base had remained low, leading to excessive reliance on a few contributors. He therefore urged all Member States to contribute to the Foundation, with emphasis on non-earmarked resources. The initiative of UN-HABITAT to develop a slum upgrading facility to raise funds for upgrading slums and other human settlements activities should also be widely supported.

39. **Mr. Kondakov** (Russian Federation) said that his delegation appreciated the work of the Ad Hoc Group of Experts on International Cooperation in Tax Matters, which had covered issues of interest to many countries, and supported the recommendations of its eleventh meeting regarding revision of the United Nations Model Double Taxation Convention and the *Manual for the Negotiation of Bilateral Tax Treaties between Developed and Developing Countries*.

40. The work of the Ad Hoc Group had evolved over the years, and had become a focus of interest for developing countries and those with economies in transition. With the advance of globalization, the integration of markets and the revolution in information and communication technologies (ICT), the relationship between trade, investment, the use of ICT and taxation had become more complex.

individual countries' role in cooperation on taxation matters had therefore also become more complex. The potential of the Ad Hoc Group of Experts must be fully exploited to assist development.

41. The flow of international trade and investment using electronic transaction methods had grown, making calculation and collection of taxes on such international transactions increasingly difficult for tax authorities in developing and transition-economy countries. Rapid action should be taken to strengthen international cooperation and exchanges of information on matters of taxation and combating capital flight. It would be helpful to give the Ad Hoc Group of Experts a framework of priority issues and a timetable for action on them, and for it to work with other entities active in the same field. The Ad Hoc Group could also meet more often and/or hold workshops on specific issues to reduce the size of its substantial agenda. Observers from a wide range of countries not represented in the Ad Hoc Group should continue to be encouraged to attend its meetings.

42. His delegation believed that implementation of the Habitat Agenda was making good progress, largely thanks to the greater effectiveness of the United Nations Human Settlements Programme (UN-HABITAT) itself. Continuing that trend would help to set priorities for action and bring the aims of human settlements policies, such as better infrastructure, water supplies and sanitation, closer to fruition. Cooperation between UN-HABITAT and other United Nations entities and civil society must also continue.

43. The regional and national aspects of implementing the Habitat Agenda must be assessed. While his delegation understood that priority should be given to the poorest countries, it wished to point out that the problems of dilapidated housing, poor access to water and sanitation, and translating into action the right to socially acceptable living conditions also affected vulnerable transition economy countries. Resolution 19/15 of the UN-HABITAT Governing Council regarding the integration of the issue of economies in transition into the work of UN-HABITAT was particularly significant in that connection. His delegation valued the work being done in that field and hoped that it would be the focus of greater international cooperation.

44. Mr. Liu Liqun (China), associating his delegation with the statement made by Qatar on behalf of the Group of 77, said that the developing countries had made many explicit requests for the Ad Hoc Group of Experts on International Cooperation in Tax Matters to be upgraded and made a subsidiary body of the Council. The development of globalization required the Organization to reinforce cooperation in tax matters, trade and investment. His delegation was an active member of the Ad Hoc Group and had, at the Group's eleventh meeting, expressed the view that the United Nations should play a leading role in formulating rules for international taxation cooperation and should combat capital flight.

45. There were still many obstacles to conversion of the status of the Ad Hoc Group, but his delegation was ready to strengthen cooperation with other countries in a joint effort to seek early and positive results on that matter.

46. Mr. Hackett (Barbados), associating his delegation with the statement made by Qatar on behalf of the Group of 77 and China, said that enhancing the voice and participation of developing countries in international dialogue, global decision-making and norm-setting forums was a prerequisite for improving global economic governance. The Council's debate on strengthening the institutional framework for international cooperation in tax matters should be guided by the principles of justice, equity, democracy, participation, transparency, accountability and inclusion agreed on at the International Conference on Financing for Development, held in Monterrey.

47. There was no global intergovernmental forum that considered international tax cooperation on an ongoing basis or that could adequately place the debate in a wider development context. Existing or proposed initiatives to promote cooperation, such as the OECD-initiated International Tax Dialogue (ITD), were driven by a narrow agenda and lacked the international legitimacy which could only be conferred by a universal forum. While his delegation welcomed the outreach activities of limited membership organizations, current practice demonstrated that those efforts did not allow developing countries a full and effective voice in the core decisions of those bodies.

48. In the absence of an international tax organization, as envisaged in the report of the High-Level Panel on Financing for Development

(A/55/1000), the United Nations was the most appropriate forum for international cooperation in tax matters. As the report of the Secretary-General on the eleventh meeting of the Ad Hoc Group of Experts on International Cooperation in Tax Matters had recommended and as the Group of 77 and China had proposed, that objective could best be achieved by converting the Ad Hoc Group into an intergovernmental committee of the Council, with a membership appointed by the Council and reporting back to it annually.

49. His delegation was aware of the concerns of a few Member States regarding that proposal, but it had been acknowledged in Monterrey and elsewhere that developing countries did not have a voice or a seat at the table when vital decisions on international tax issues were made. If such an unequal, exclusionary and discriminatory system was perpetuated, the commitments and agreements made in Monterrey and at other major international conferences would not be met. His delegation therefore called on the Council to take the correct, if difficult, decision to establish a committee on international cooperation in tax matters.

50. **Mr. Nikitov** (Ukraine) said that his delegation wished to raise the matter of assistance to third States affected by the application of sanctions, since the increased number, forms and purposes of sanctions regimes required a critical look at the experience gained.

51. Third States had endured great hardship as a result of the imposition of sanctions that had never been the intention of the Charter of the United Nations, and yet the provisions of Article 50 had not been implemental. His delegation firmly believed that every effort should be made to minimize any negative impact on third States of measures adopted under Chapter VII of the Charter, and its supported the establishment of a mechanism to address the special economic problems confronted by third States.

52. In 1998, the Secretary-General had convened an ad hoc expert group on assistance to third States affected by the application of sanctions, to assess the consequences of sanctions for third States and explore international assistance for them. Its recommendations, and work undertaken in other forums, provided a sufficient basis for agreement within the Organization on the practical implementation of Article 50 and other Charter provisions. All the resolutions on Article 50 adopted by the General Assembly in the previous decade had emphasized the role of the Council in mobilizing and monitoring international assistance. It was time for the Council to provide the General Assembly with clear guidance on those issues.

53. **Ms. Navarro Barro** (Cuba) said that discussion of public administration and development was a complex matter combining technical considerations with political considerations. However, her delegation wished to point out that the Member States had no precise, agreed definition of terms such as "governance" and "new public management". Furthermore, discussion of the revitalization of public administration involved other issues which were far from settled, such as the extent of involvement of the private sector, the role of civil society, the impartiality of senior officials, the effects of interference by parties and by ethnic, family or other groups, and the matter of human rights and fundamental freedoms in the information society. Member States must discuss all those issues in greater depth so as to find common principles, standards and values which were compatible with varying levels of development, historical traditions and political cultures and with the requirements of different economic, political and social systems.

54. With regard to the report on the third session of the Committee of Experts on Public Administration (E/2004/44-E/C.16/2004/9) and its recommendation 5 (b) to the Council, relating to the development of a methodology for a bottom-up participatory approach in identifying public administration foundations and principles, her delegation pointed out that methodological debates should be transparent and open to the participation of all, and should take account of and respect the particular circumstances of countries and regions, so as to avoid imposing models regarded as emerging from "best practices".

55. **Ms. Mammadova** (Azerbaijan) said that the issues discussed at the eleventh meeting of the Ad Hoc Group of Experts on International Cooperation in Tax Matters were topical and pertinent to the work of all national tax authorities.

56. One of the main challenges facing the authorities in developing countries and transition economy countries was tax evasion. Growing international trade and investment had made it an even more immediate problem than before. Greater economic integration had

made it difficult, if not impossible, to tackle tax evasion purely within national boundaries. Effective dialogue among national tax authorities would help to address the issue effectively.

57. It was essential to expand the bilateral tax treaty network. Double taxation treaties and advance tax clearance under those treaties would make it possible to reduce the rate of withholding tax. The mutual administrative assistance provisions of such treaties must, however, be reviewed and further strengthened. The treaties themselves should maintain an equitable distribution of revenue between contracting States and be conducive to maintaining capital flows to developing countries.

58. Her delegation welcomed the rapid growth in computer ownership and Internet access. The challenges and opportunities of e-commerce should be further examined to enable developing countries to benefit fully from them.

59. Her delegation acknowledged the contribution of the Ad Hoc Group of Experts to following up the International Conference on Financing for Development and supported the recommendation of the Secretary-General to strengthen its institutional framework.

60. In the light of ongoing changes in the tax structure, including in the field of e-commerce, the United Nations Model Double Taxation Convention must be revised. Such a revision could be based on the 1988 Strasbourg Convention on Mutual Administrative Assistance in Tax Matters, with more emphasis on the determination of liabilities, on good and timely provision of administrative assistance, and on avoiding damage to the national interests of other States, since taxation was a sovereign prerogative of States.

61. Transition economies still needed technical assistance and the benefit of shared experience in tax reform and improving tax administration. Her delegation was particularly interested in the issues and implications of tax competition, information technology and e-commerce and looked forward to further United Nations efforts to develop cooperation in international taxation and dialogue with the appropriate entities.

Action on recommendations contained in the reports of subsidiary bodies

Draft decision contained in chapter I of the report of the Statistical Commission on its thirty-fifth session (E/2004/24-E/CN.3/2004/33, Chapter I, section A)

62. *The draft decision was adopted.*

Draft decision contained in chapter I of the report of the Commission on Population and Development on its thirty-seventh session (E/2004/25-E/CN.9/2004/9)

63. *The draft decision was adopted.*

Recommendation contained in documents (E/2004/64, E/2004/57)

64. **The President** said that, if he heard no objections, he would take it that the Council agreed to consider the recommendations as decisions to be adopted by the Council.

65. *It was so decided.*

66. **The President** said that consultations were continuing with regard to sub-items (g), (h) and (l). He therefore suggested that the Council should defer its consideration of those sub-items to a later date.

67. *It was so decided.*

The meeting rose at 5 p.m.

United Nations

E/2004/SR.46

Economic and Social Council

Provisional

7 September 2004

Original: English

Substantive session of 2004
General segment

Provisional summary record of the 46th meeting
Held at Headquarters, New York, on Wednesday, 21 July 2004, at 10 a.m.

President: Mr. Koonjul (Vice-President) .... (Mauritius)
later: Mr. Penjo (Vice-President) .... (Azerbaijan)

Contents

Economic and environmental questions (*continued*)

(a) Sustainable development (*continued*)

Coordination, programme and other questions (*continued*)

(f) Ad hoc advisory groups on African countries emerging from conflict

Social and human rights questions (*continued*)

(b) Social development

(e) United Nations High Commissioner for Refugees

(i) Genetic privacy and non-discrimination

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

In the absence of Ms. Risa (Finland), Mr. Koonjul (Mauritius), Vice-President, took the Chair.

The meeting was called to order at 10.35 a.m.

Economic and environmental questions (*continued*)

(a) Sustainable development (*continued*)

1. **The President** recalled that, at its 16th meeting, the Council had decided to invite the World Deserts Foundation, an intergovernmental organization, to participate as an observer in the deliberations of the Council and of its subsidiary organs.

2. **Mr. Rahmani** (Observer for the World Deserts Foundation) said that the Foundation had been created under the high patronage of the Presidents of Algeria, South Africa and Nigeria. Its founding members came from all continents and included such notable persons as Ms. Rigoberta Menchu, Nobel Laureate.

3. After referring to the authors, explorers and religious leaders who had celebrated the spirituality of the desert, he said that the common perception that the desert was synonymous with emptiness, drought and death was false. Its inhabitants had, over the centuries, been able to make of the desert not only a thing of beauty but a measure of the immensity of infinity. The mission of the Foundation was to ensure the preservation and protection of the world's deserts and to promote their cultural and biological diversity.

4. The desert regions of the world must be recognized as specific sites for development and full partners in the quest for sustainable development. The desertification which was aggravating poverty was no longer confined to the inhabitants of arid zones; under the effect of climate change, it was affecting people everywhere, including in the United States of America, Australia and South Africa. The movement of people from drought-affected areas of the Sahel was adding to tensions among the people of Ghana, Nigeria and the Maghreb. Paragraph 23 of the Millennium Declaration had rightly underscored the need for full implementation of the Convention on Biological Diversity and the Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification.

5. He called for affirmative action consisting of financing and suitable protection policies for deserts. While deserts abounded in such resources as salt, biodiversity, natural gas and petroleum, seldom were the profits accruing from their exploitation by foreign businesses reinvested in desert regions.

6. He also called for the diversification of production: when the scarce natural resources of desert ecosystems were over-exploited, desert communities became poorer. New forms of local governance should be developed to ensure collaborative management by stakeholders, also bearing in mind the transnational character of deserts. The preparation of an inventory and classification of desert ecosystems would assist in conservation efforts. Similarly, national policies and international initiatives should identify the specific problems relating to sustainable development in the areas concerned and devote to them sufficient human, financial and institutional resources. In that connection, the Foundation was eager to cooperate with the Commission on Sustainable Development, since there was a danger that unethical economic growth and unbridled tourism would destroy the natural and cultural heritage that the deserts represented.

7. His organization sought to act on behalf of desert inhabitants and to achieve an active synergy in the sharing of expertise and knowledge about that heritage of mankind.

8. **Mr. Coultas** (Observer for Rotary International) apologized to participants on behalf of the President of Rotary International, who had not been able to attend the session. His organization, which was celebrating its 100th anniversary, was working to eradicate polio and HIV/AIDS and to encourage water supply and sanitation projects around the world. It remained committed to literacy, especially education of the girl child. He assured the Council of the commitment of Rotary to working with the United Nations system towards the achievement of the Millennium Development Goals.

9. **The President** said that Rotary International had consistently supported and participated in the work of the United Nations system since the San Francisco Conference in 1945. It was currently accredited to the United Nations offices in New York, Geneva, Vienna, Rome and Nairobi. Recently, Rotary had appointed representatives to the regional commissions and should be commended for 100 years of outstanding work. Rotary had been instrumental in the founding of UNESCO and had contributed to the drafting of that agency's Constitution in 1946. In collaboration with its

global partners (UNICEF and WHO), it had helped to immunize more than 2 billion children in 122 countries against polio.

Coordination, programme and other questions (*continued*)

(f) Ad hoc advisory groups on African countries emerging from conflict

10. **Mr. Al-Mahmoud** (Qatar), speaking on behalf of the Group of 77 and China, introduced draft resolutions E/2004/L.30, E/2004/L.31 and E/2004/L.29.

11. *Mr. Penjo (Azerbaijan), Vice-President, took the Chair.*

Social and human rights questions (*continued*)

(b) Social development

12. **Mr. Ndimeni** (Observer for South Africa) introduced draft resolution E/2004/L.27 entitled "Preparations for the forty-third session of the Commission for Social Development" and revised paragraph 3 to read "*Further decides* to convene high-level plenary meetings of the General Assembly ...".

(e) United Nations High Commissioner for Refugees

13. **The President** invited the Council to take action on draft decision E/2004/L.19 entitled "Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees", which had been submitted by the delegations of Ghana and Romania. If he heard no objections, he would take it that the Council wished to adopt the draft decision and recommend it to the General Assembly for action.

14. *It was so decided.*

(i) Genetic privacy and non-discrimination

15. **The President** invited the Council to take action on the revised draft resolution E/2004/L.13/Rev.1, entitled "Genetic privacy and non-discrimination". If he heard no objection, he would take it that the Council wished to adopt it.

16. *It was so decided.*

The meeting rose at 11.05 a.m.

United Nations

E/2004/SR.47

Economic and Social Council

Provisional

28 October 2004

Original: English

Substantive session for 2004
General segment

Provisional summary record of the 47th meeting
Held at Headquarters, New York, on Wednesday, 21 July 2004, at 3 p.m.

President: Mr. Koonjul (Vice-President) .... (Mauritius)

Contents

Social and human rights questions

- (a) **Advancement of women**
- (b) **Social development**
- (c) **Crime prevention and criminal justice**
- (d) **Narcotic drugs**

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In the absence of Ms. Rasi (Finland), Mr. Koonjul (Mauritius), Vice-President, took the Chair.

The meeting was called to order at 3.15 p.m.

Social and human rights questions (E/2004/81)

- **(a) Advancement of women** (A/59/38 (Part I); E/2004/27, E/2004/59, E/2004/66; E/2004/CRP.1-4)
- **(b) Social development** (E/2004/26)
- **(c) Crime prevention and criminal justice** (E/2004/30)
- **(d) Narcotic drugs** (E/2004/28; E/INCB/2003/1)

1. **Ms. Moreno** (Director of the United Nations International Research and Training Institute for the Advancement of Women), introducing the note by the Secretary-General on the revitalization and strengthening of the International Research and Training Institute for the Advancement of Women (INSTRAW) (E/2004/66), expressed her gratitude for the support provided to INSTRAW by governments, academic institutions and civil society and for the opportunities she had been offered to exchange ideas about how best to construct a strong and sustainable Institute.

2. The Institute's mandate consisted in promoting gender equality and the advancement of women by mainstreaming gender into projects and programmes across the board and developing specific measures designed to overcome the obstacles and inequities facing women. Accordingly, a draft strategic plan for 2004-2007 had been prepared and was due to be presented to the Executive Board of INSTRAW in the near future. The plan revolved around three strategic areas, namely, research, training and information.

3. Since strengthening INSTRAW was primarily a question of confidence, her first priority had been to restore confidence in the ability of the Institute to fulfil its mandate. In that connection, a number of initiatives designed to re-establish relations with Governments, government agencies dedicated to the advancement of women, universities, the business sector and civil society had been undertaken. She had also initiated dialogue with, inter alia, the Secretariat Department for the Advancement of Women, the United Nations Development Fund for Women, the United Nations Office for Project Services, the Joint United Nations Programme on HIV/AIDS and the Office of the United Nations High Commissioner for Human Rights.

4. Lastly, she drew the Council's attention to the impending launch of the new INSTRAW web site. The site would provide a forum for the discussion of issues of particular relevance and would facilitate the creation of synergies and the dissemination of information on gender issues. It was hoped that other organizations and individuals working in the field of gender equality would contribute to the site.

5. **Mr. Ghodse** (President of the International Narcotics Control Board), said that one of the issues highlighted in the annual report of the International Narcotics Control Board (INCB) was the increase in trafficking of medicines containing internationally controlled substances over the Internet, in flagrant disregard of the international drug control treaties. In that connection, the Council had before it a draft resolution entitled "Sale of internationally controlled licit drugs to individuals via the Internet", which had been approved by the Commission on Narcotic Drugs at its forty-seventh session. He urged the Council to adopt the draft resolution, which called on Governments to develop policies to identify and take appropriate measures against such trafficking and to take strong action against companies acting in violation of the import and export requirements of the relevant international conventions.

6. In another draft resolution before the Council, the Commission on Narcotic Drugs reaffirmed the importance of using all available means to prevent the diversion of chemicals from legitimate trade to illicit drug manufacture. Over the past four years, INCB, in cooperation with Member States, had launched three international operations designed to enhance controls over chemicals used in the illicit manufacture of cocaine, heroin and amphetamine-type stimulants and had facilitated government investigations into cases of seizure, diversion or suspected diversion of such chemicals. However, in order to continue its work in an effective manner, the Board would require additional resources, and the Council was therefore encouraged to adopt the draft resolution, which requested the Secretary-General to provide the necessary resources.

7. Furthermore, pursuant to paragraph 6 of article 10 of the 1961 Single Convention on Narcotic Drugs,

Board members should receive an adequate remuneration as determined by the General Assembly. However, the United Nations Legal Counsel had confirmed that the recent reduction n the level of remuneration to US$ 1 per year could be viewed as not corresponding to the legislative intent of that provision. The work of INCB was therefore impeded by difficult administrative conditions and, in that connection, he urged the Council to take steps to ensure that the Board could carry out its mandate.

8. Turning to the composition of INCB, he said that one essential requirement for membership was independence, and therefore members served in their personal capacity. Moreover, in accordance with the 1961 Single Convention, Board members must not hold any position or engage in any activity liable to impair their impartiality. The diversity of INCB was its greatest asset and contributed to its success and excellent reputation. In electing members to the Board, the Council was required to take into account the principle of equitable geographical distribution and to give consideration to including, in equitable proportion, persons possessing a knowledge of the drug situation in the producing, manufacturing and consuming countries. In addition, the involvement of the World Health Organization in the electoral process contributed to ensuring that appropriate medical and pharmacological experience was reflected in the Board's composition.

9. One of the Board's most challenging tasks was to endeavour to maintain a lasting balance between the supply of and demand for licit opiates for medical use. While current global cultivation and production levels of such opiates exceeded actual medical consumption, the need for narcotic analgesics was far greater than the current demand. Although the production of narcotics should keep pace with usage requirements, overproduction carried the risk of diversion to illicit markets. Therefore, in order to achieve a balance between current supply, demand and need, the Board would be holding a further meeting with the permanent representatives of the major producing, importing and exporting countries. Afghanistan remained by far the largest source of illicit opium in the world, accounting for three-quarters of the global supply. The Board was pursuing consultations with the Transitional Authority of Afghanistan regarding the implementation of laws to control production.

10. **Mr. Onishchenko** (Ukraine) said that, while United Nations entities and intergovernmental bodies had made significant progress in mainstreaming a gender perspective into all policies and programmes in the United Nations system, the gap between policy and practice remained a major constraint. Accordingly, further efforts were required to ensure the full implementation of the Council's agreed conclusions.

11. The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol continued to play a key role in achieving gender equality. However, the growing number of signatories to those instruments meant that the workload of the Committee on the Elimination of Discrimination against Women had increased substantially. Although its working methods had already improved, the Committee should make further efforts to combine its consideration of documents, particularly periodic reports. In addition, the Committee's final report should also detail the reasons why some States had not complied with their reporting requirements in a timely manner and should provide information about States' intentions to submit combined documents.

12. The trafficking of women and girls was a serious problem and should be considered at the cross-sectoral level. His Government supported the request of the Working Group on Communications of the Commission on the Status of Women that States should be reminded of the commitments they had made in the Beijing Platform for Action to criminalize trafficking in women and children and to penalize all offenders, including intermediaries. His Government also welcomed the decision taken at the sixtieth session of the Commission on Human Rights to appoint a Special Rapporteur on trafficking in persons, especially women and children, and the endorsement of that decision by the Council at its organizational session. He encouraged governmental bodies and regional and international organizations to cooperate fully with the Special Rapporteur.

13. At the national level, his Government had implemented a comprehensive programme against human trafficking for the period 2002-2005. The Ukrainian Criminal Code criminalized trafficking in persons and had recently been amended to bring it into compliance with the relevant international standards. However, trafficking was a regional and global phenomenon that could not be dealt with effectively at

the national level alone. There was a need for enhanced cooperation at the multilateral and international levels, particularly between countries involved in the trafficking cycle. His delegation stood ready to participate in such cooperation and called upon the relevant United Nations structures to provide appropriate support.

14. **Ms. Nuñez de Odreman** (Observer for Venezuelá) said that all development efforts were ultimately focused on human beings. The international social agenda had been made more relevant by its concentration on combating poverty as the best way to improve quality of life. Indeed, the Organization had placed poverty eradication, education, gender equality and health at the centre of its aims.

15. Achieving the Millennium Development Goal of halving the proportion of people living in extreme poverty by 2015 would require structural changes at the multilateral, regional and national levels and in the attention paid to health, education, food, employment, housing and other matters. Her Government had made improving the well-being of its people and giving the poor a voice a priority over the previous five years. The central aim of the country's 2001-2007 national development plan was to achieve social equilibrium by drawing the most marginalized into the mainstream of society, promoting an equitable distribution of wealth and income, guaranteeing health care, education and quality of life for all, providing social security, giving men and women equal opportunities for involvement in society and providing housing and a healthy and safe environment.

16. As part of its policies for fulfilling the Millennium Development Goals, her Government aimed to improve public services through wide-ranging social projects to help the needy and to eradicate extreme poverty by 2021. The projects included programmes covering education from basic literacy to university studies, programmes to improve the quality of life in rural areas, programmes to restore the rights of the indigenous population and policies to promote women's involvement in civic, political, economic, social and cultural activities, especially through microfinance and banking facilities and mother and child care. Internationally, it pursued the same goal, placing particular value on the contributions of INSTRAW.

17. Her Government had proposed the establishment of an International Humanitarian Fund as an innovative financing mechanism which the international community could adopt as part of its pursuit of the Millennium Development Goals.

18. **Mr. Sandoval** (Colombia) welcomed the report of the Commission on Social Development on the work of its forty-second session (E/2004/26), in particular the agreed conclusions on improving public sector effectiveness. In the context of constructing a community-based State, his Government attached great importance to strengthening the rule of law and to the transparent and efficient management of public affairs, accountability, the rationalization of public finances, and international cooperation. The fight against corruption was particularly relevant in Colombia and, in that regard, significant progress had been made through inter-institutional coordination, the promotion of a culture of lawfulness and the implementation of a regional zero-tolerance strategy.

19. Peaceful coexistence and equitable economic growth were the guiding principles behind his Government's development policy. Those mutually beneficial objectives were of particular importance for his country, which had been ravaged by over four decades of armed conflict and the illegal drug trade. His Government's efforts to lay the foundations of a just and equitable society were beginning to bear fruit; the economy was starting to recover, as evidenced by a rapid increase in the gross national product and a sharp rise in private investment. The benefits of economic growth had already translated into the creation of more school and employment opportunities, the extension of subsidized health care to a larger section of the population, the payment of housing benefits in both rural and urban areas and the grant of additional microcredits, particularly to female heads of household.

20. In order to pursue its policy objectives, his Government had begun to reclaim areas of the national territory that had formerly been occupied by armed groups. More than 10,000 members of those groups had been arrested over the past two years and, consequently, there had been a significant decline in the number of homicides and kidnappings. A tangible climate of confidence was slowly extending across the country, which was reflected in an increasingly active business sector. His Government had also regained control of several areas that traditionally had been used

for illegal drug trafficking. Nevertheless, in spite of the great strides it had made, his Government was aware that much remained to be done to consolidate economic growth and distribute its benefits in an equitable fashion with a view to achieving its ultimate aim of restoring peace and stability.

21. With regard to international migration, his Government had always emphasized the positive contribution it could make to the development of States, since countries that attracted large numbers of migrants reaped the benefits of multiculturalism and enhanced economic growth. The international community must take steps to strengthen the promotion and protection of the rights of migrants and their families, instil a culture of respect for them and adopt measures to facilitate the transfer of remittances.

22. **Ms. Velasco Osorio** (Observer for Mexico) said that her Government was committed to advancing women's rights and to their equitable inclusion in all spheres of society. She commended the efforts of INSTRAW to revitalize its work. Her Government had contributed $55,000 towards the Institute's operating costs for the current year, and she urged all Member States to provide support.

23. In 2001, Mexico had established the National Women's Institute to promote a culture of non-discrimination, combat stereotypes and disseminate knowledge of women's rights. Gender mainstreaming was being promoted through awareness-raising and training, first and foremost for civil servants, federal legislative and judicial bodies, civil society entities and those working with the wider public. The subjects covered included gender statistics and gender budgeting.

24. Almost 10 years on from the establishment of the Beijing Platform for Action, the international community faced the challenge of consolidating the gains made in promoting and defending the fundamental human rights of women. Her Government hoped that that aim would be achieved and that new strategies and goals for the new century would be established.

25. **Ms. Sánchez de Cruz** (Observer for the Dominican Republic) said that advancing the status of women was an integral part of her Government's development policy. The Fourth World Conference on Women and the Beijing +5 review had inspired the work of INSTRAW. Her delegation hoped that the Institute would be involved in the 2005 review of the Beijing Platform for Action. It welcomed the note of the Secretary-General on the revitalization of INSTRAW (E/2004/66) and expressed confidence that INSTRAW would be able to adopt a programme of work to pursue the mandate it had been given. Because INSTRAW depended on voluntary contributions, it would need the political and financial support of Member States.

26. **Mr. Zheglov** (Russian Federation) said that the Fourth World Conference on Women and the twenty-third special session of the General Assembly on "Women 2000: gender equality, development and peace for the twenty-first century", had mapped out a course of action for the international community to assert women's rights. The forthcoming forty-ninth session of the Commission on the Status of Women was significant, as it would examine the situation 10 years after the Beijing Declaration and Platform for Action, 20 years after the Nairobi Forward-looking Strategies, and 30 years after the First World Conference on Women, held in Mexico City.

27. Nevertheless, in view of the Commission's important role in upholding the universal instruments protecting women's rights, recent trends in its work had aroused concern. A number of States had sought to use the issue of women's rights as a pretext for confrontation and to further their own political ambitions. His Government hoped that such practices would stop, as they interfered with debate and undermined the Commission's authority. Furthermore, high-flown rhetoric about the gender perspective should be accompanied by active cooperation to improve the situation of women, particularly in developing countries, which in turn demanded an effective strategy for strengthening and implementing the right to development.

28. His delegation was also concerned at the transmittal to the Division for the Advancement of Women of complaints made to the Commission on Human Rights under the 1503 procedure and wished to reiterate that such an exchange of information had no legal basis and served only to further politicize the work of United Nations human rights bodies.

29. The Russian Federation fully shared the view of the United Nations that equal rights and gender equity were essential to sustainable social development and the fulfilment of human potential. His Government had

taken steps to ensure comprehensive protection for women's rights; for instance, it had incorporated provisions on human trafficking and slave labour into the Criminal Code and had established stronger penalties for offences whose victims were mostly women. The State Duma had ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

30. His delegation valued the role of the Commission for Social Development in monitoring the implementation of plans and programmes of action pertaining to the situation of social groups. If its recommendations were to be translated into action, there must be strict adherence to the principle of consensus in decision-making. An important part of its work was the development of a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities. The ad hoc committee established to negotiate the convention had made progress at its third session.

31. His delegation welcomed the adoption, on the initiative of the Russian Federation, of General Assembly resolution 58/16, supporting future international efforts to respond to new challenges and threats on the basis of a global strategy established under United Nations auspices and rooted in international law. It endorsed the reports of the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice, as well as the outcome of the Asia and Pacific Regional Preparatory Meeting for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice.

32. Reflecting its active participation in efforts to strengthen the international legal basis for combating crime, his Government had ratified the United Nations Convention against Transnational Organized Crime and its Protocols in 2004, and had signed the United Nations Convention against Corruption with the intention of ratifying it soon. It echoed the call made by the General Assembly in its resolutions 57/173 and 58/4 for all States which had not yet done so to sign and ratify those two Conventions.

33. Despite its support for the word of the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice, his delegation wished to draw attention to certain working trends. In the case of the Commission on Crime Prevention and Criminal Justice, there was an increasing effort to focus on peripheral aspects of international cooperation against crime, such as compensation proceedings and the role of society in preventing crime, to the detriment of more fundamental issues such as extradition, mutual legal assistance in criminal matters and combating white-collar crime and cybercrime.

34. In the case of the Commission on Narcotic Drugs, the enlarged bureau had sought to take up substantive issues between sessions, out of a desire to remove some of the burden from regular sessions. Such steps threatened to dilute the regular sessions and turn the Commission on Narcotic Drugs into a body that simply rubber-stamped decisions, when, in the view of the Russian Federation, its role as a major tool for coping with new threats and challenges must be reinforced.

35. His delegation was also concerned about constant efforts to shorten the sessions of both commissions. Such efforts must be re-examined in the light of the pressure on those commissions to achieve results.

36. **Ms. Edstrom** (World Bank) said that, by grouping the issues it was discussing, the Council was making use of an opportunity to examine the multidimensional nature of vulnerability and empowerment and to find integrated means of addressing those matters at the national and global levels. The Bank's own approach to those issues had evolved, as reflected in its new integrated social development strategy.

37. Commending the Commission for Social Development for its focus on improving public sector effectiveness in delivering services to the poor, she said that good governance, public sector reform, accountability, access to justice and participatory processes must be made central elements in the move towards effective development. That approach was reflected in the Millennium Development Goals. A strategic approach paper entitled "Social Development in World Bank Operations: Results and Way Forward" had been developed to outline how the Bank would work with countries, based on three core principles of social sustainability: inclusion, cohesion and accountability.

38. Following on from the Bank's earlier work, the strategy established methods for "engendering" development, since gender issues and development issues went hand in hand, and true development could

not occur unless women enjoyed equal rights. The Bank continued to endorse the goals of the Beijing Platform for Action, as it recognized that achieving gender equality was important not only as a goal in itself, but also as a path to a better life for all.

39. In helping countries to ensure that social groups moved from vulnerability to empowerment, the Bank had become only too aware that indigenous peoples continued to suffer from poverty and social exclusion. The Bank had enhanced its participation in high-level indigenous people's forums.

40. Addressing the Bank's annual meetings in 2003, the President of the World Bank had said that the world must be rebalanced to give everyone a chance. The Bank hoped for continued collaboration with the Council in its work to advance the global economic and social agenda.

Action on reports of the functional commissions

41. **The President** invited the Council to take action on the four draft resolutions and the draft decision contained in chapter I of the report of the Commission on the Status of Women (E/2004/27).

Draft resolution I: Situation of women and girls in Afghanistan

42. *Draft resolution I was adopted.*

Draft resolution II: Situation of and assistance to Palestinian women

43. **The President** informed the Council that the draft resolution would entail a vote. He therefore suggested that the Council should postpone its consideration of the draft resolution to a later date.

44. *It was so decided.*

Draft resolution III: Agreed conclusions of the Commission on the Status of Women on the role of men and boys in achieving gender equality

45. *Draft resolution III was adopted.*

Draft resolution IV: Agreed conclusions of the Commission on the Status of Women on women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building

46. *Draft resolution IV was adopted.*

Draft decision: Report of the Commission on the Status of Women on its forty-eighth session and provisional agenda and documentation for the forty-ninth session of the Commission

47. *The draft decision was adopted.*

48. **The President** invited the Council to take action on the four draft resolutions and the draft decision contained in chapter I of the report of the Commission for Social Development (E/2004/26).

Section A

Draft resolution: Celebration of the tenth anniversary of the International Year of the Family and beyond

49. **The President** said he took it that the Council approved the draft resolution and wished to recommend it to the General Assembly for adoption.

50. *It was so decided.*

Section B

Draft resolution I: Comprehensive and integral international convention on protection and promotion of the rights and dignity of persons with disabilities

51. *Draft resolution I was adopted.*

Draft resolution II: Further promotion of equalization of opportunities by, for and with persons with disabilities, and protection of the human rights of persons with disabilities

52. *Draft resolution II was adopted.*

Draft resolution III: Implementation of the social objectives of the New Partnership for Africa's Development

53. *Draft resolution III was adopted.*

Section C

Text: Agreed conclusions of the Commission for Social Development on improving public sector effectiveness

54. *The text was adopted.*

Section D

Draft decision: Report of the Commission for Social Development on its forty-first session and provisional agenda and documentation for the forty-second session of the Commission

55. *The draft decision was adopted.*

56. **The President** invited the Council to take action on the seven draft resolutions contained in chapter I, section A, of the report of the Commission on Crime Prevention and Criminal Justice (E/2004/30).

Draft resolution I: Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

57. **The President** said he took it that the Council approved draft resolution I and wished to recommend it to the General Assembly for adoption.

58. *It was so decided.*

Draft resolution II: Assistance to least developed countries to ensure their participation in the sessions of the Commission on Crime Prevention and Criminal Justice and the sessions of conferences of States parties

59. **The President** said he took it that the Council approved draft resolution II and wished to recommend it to the General Assembly for adoption.

60. *It was so decided.*

Draft resolution III: Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime

61. **The President** said he took it that the Council approved draft resolution III and wished to recommend it to the General Assembly for adoption.

62. *It was so decided.*

Draft resolution IV: International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims

63. **The President** said he took it that the Council approved draft resolution IV and wished to recommend it to the General Assembly for adoption.

64. *It was so decided.*

Draft resolution V: Action against corruption: assistance to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption

65. **The President** said he took it that the Council approved draft resolution V and wished to recommend it to the General Assembly for adoption.

66. *It was so decided.*

Draft resolution VI: Preventing, combating and punishing trafficking in human organs

67. **The President** said he took it that the Council approved draft resolution VI and wished to recommend it to the General Assembly for adoption.

68. *It was so decided.*

Draft resolution VII: International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

69. **The President** said he took it that the Council approved draft resolution VII and wished to recommend it to the General Assembly for adoption.

70. *It was so decided.*

71. **The President** invited the Council to take action on the 12 draft resolutions contained in chapter I, section B, of the report.

Draft resolution I: Establishment of an intergovernmental expert group to prepare a draft model bilateral agreement on disposal of confiscated proceeds of crime covered by the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

72. *Draft resolution I was adopted.*

Draft resolution II: The rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction

73. *Draft resolution II was adopted.*

Draft resolution III: International cooperation in the prevention, investigation, prosecution and punishment of fraud, the criminal misuse and falsification of identity and related crimes

74. *Draft resolution III was adopted.*

Draft resolution IV: Guidelines on justice for child victims and witnesses of crime

75. *Draft resolution IV was adopted.*

Draft resolution V: United Nations standards and norms in crime prevention and criminal justice

76. *Draft resolution V was adopted.*

Draft resolution VI: Strengthening international cooperation and technical assistance in combating money-laundering

77. *Draft resolution VI was adopted.*

Draft resolution VII: Second World Summit of Attorneys General and General Prosecutors, Chief Prosecutors and Ministers of Justice

78. *Draft resolution VII was adopted.*

Draft resolution VIII: Prevention of urban crime

79. *Draft resolution VIII was adopted.*

Draft resolution IX: Implementation of technical assistance projects in Africa by the United Nations Office on Drugs and Crime

80. *Draft resolution IX was adopted.*

Draft resolution X: Strengthening the technical cooperation capacity of the Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime

81. *Draft resolution X was adopted.*

Draft resolution XI: Protection against trafficking in cultural property

82. *Draft resolution XI was adopted.*

Draft resolution XII: Combating the spread of HIV/AIDS in criminal justice pre-trial and correctional facilities

83. *Draft resolution XII was adopted.*

84. **The President** invited the Council to take action on the two draft decisions contained in section C of the report.

Draft decision I: Report of the Commission on Crime Prevention and Criminal Justice on its thirteenth session and provisional agenda and documentation for its fourteenth session

85. *Draft decision I was adopted.*

Draft decision II: Appointment of members of the Board of Trustees of the United Nations Interregional Crime and Justice Research Institute

86. *Draft decision II was adopted.*

87. **Mr. Cumberbatch Miguén** (Cuba), speaking in explanation of position on the decisions just taken, said that while his delegation had joined the consensus in approving the decisions and resolutions adopted by the Commission on Crime Prevention and Criminal Justice, it was concerned about the reliance on extrabudgetary sources to fund some of the studies and activities conducted by the United Nations Office on Drugs and Crime, as such reliance might limit their scope and effectiveness.

Recommendations contained in the report of the Commission on Narcotic Drugs on its forty-seventh session (E/2004/28, Supplement No. 8)

88. **The President** invited the Council to take action on the three draft resolutions contained in chapter 1, section A, of the report of the Commission on Narcotic Drugs (E/2004/28).

Draft resolution I: Control of cultivation of and trafficking in cannabis

89. **The President** said he took it that the Council approved draft resolution I and wished to recommend it to the General Assembly for adoption.

90. *It was so decided.*

Draft resolution II: Providing support to the Government of Afghanistan in its efforts to eliminate illicit opium and foster stability and security in the region

91. **The President** said he took it that the Council approved draft resolution II and wished to recommend it to the General Assembly for adoption.

92. *It was so decided.*

Draft resolution III: Follow-up on strengthening the systems of control over chemical precursors and preventing their diversion and trafficking

93. **The President** said he took it that the Council approved draft resolution III and wished to recommend it to the General Assembly for adoption.

94. *It was so decided.*

95. **The President** invited the Council to take action on the five draft resolutions contained in chapter 1, section B, of the report.

Draft resolution I: Drug control and related crime prevention assistance for countries emerging from conflict

96. *Draft resolution I was adopted.*

Draft resolution II: Guidelines for psychosocially assisted pharmacological treatment of persons dependent on opioids

97. *Draft resolution II was adopted.*

Draft resolution III: Control of the manufacture of, trafficking in and abuse of synthetic drugs

98. *Draft resolution III was adopted.*

Draft resolution IV: Sale of internationally controlled licit drugs to individuals via the Internet

99. *Draft resolution IV was adopted.*

Draft resolution V: Demand for and supply of opiates used to meet medical and scientific needs

100. *Draft resolution V was adopted.*

101. **The President** invited the Council to take action on the two draft decisions contained in section C of the report.

Draft decision I: Report of the Commission on Narcotic Drugs on its forty-seventh session and provisional agenda and documentation for the forty-eighth session of the Commission

102. *Draft decision I was adopted.*

Draft decision II: Report of the International Narcotics Control Board

103. *Draft decision II was adopted.*

The meeting rose at 4.55 p.m.

United Nations

E/2004/SR.48

Economic and Social Council

Provisional
23 September 2004

Original: English

Substantive session of 2004
General segment

Provisional summary record of the 48th meeting
Held at Headquarters, New York, on Thursday, 22 July 2004, at 10 a.m.

President: Mr. Koonjul (Vice-President) .... (Mauritius)

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- **(g) Human rights**
- **(h) Permanent Forum on Indigenous Issues**

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

In the absence of the President, Mr. Koonjul (Mauritius) took the Chair.

The meeting was called to order at 10.30 a.m.

Implementation of and follow-up to major United Nations conferences and summits (*continued*)

Implementation of General Assembly resolutions 50/227 and 52/12 B (*continued*)

Draft resolution E/2004/L.24/Rev.1

1. **The President** invited the Council to take action on draft resolution E/2004/L.24/Rev. 1, entitled "Role of the Economic and Social Council in the integrated and coordinated implementation of the outcomes of and follow-up to major United Nations conferences and summits". The draft resolution did not have any programme budget implications.

2. *Draft resolution E/2004/L.24/Rev. 1 was adopted.*

Regional cooperation (*continued*)

Draft resolutions recommended by the Economic Commission for Latin America and the Caribbean (E/2004/15/Add.2)

3. **The President** invited the Council to take action on draft resolution I, entitled "San Juan Resolution on Productive Development in Open Economies", draft resolution II, entitled "Support for the United Nations Stabilization Mission in Haiti", and draft resolution IV, entitled "Place of the next session of the Economic Commission for Latin America and the Caribbean".

4. *Draft resolutions I, II and IV were adopted.*

5. **The President** said that consultations were still in progress on draft resolution III, entitled "Implementation of Participation of ECLAC Associate Member Countries in the Follow-up to United Nations World Conferences and in the Work of the Economic and Social Council". He took it that the Council wished to defer consideration of the draft resolution to a future session.

6. *It was so decided.*

Social and human rights questions (*continued*)

(e) United Nations High Commissioner for Refugees (E/2004/49 and E/2004/76)

(f) Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination

(g) Human rights (A/59/41, A/59/65-E/2004/48, A/59/65/Add.1-E/2004/48/Add.1, E.2004/22, E/2004/23, Part I, E/2004/L.34, E/2004/87 and E/2004/89)

(h) Permanent Forum on Indigenous Issues (E/2004/43, E/2004/L.37 and E/2004/L.41, E/2004/85, E/2004/82, E/2004/NGO/20, E/2004/CRP.11 and E/2004/CRP.12)

7. **Mr. Bijleveld** (Office of the United Nations High Commissioner for Refugees (UNHCR)), introducing sub-item (e) and referring to General Assembly resolution 58/153, said that UNHCR had worked actively with the Executive Committee on Humanitarian Affairs (ECHA) and the Inter-Agency Standing Committee (IASC) to strengthen refugee protection through cooperation among agencies. It had contributed to the work of the IASC Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises. The High Commissioner had drawn the attention of the IASC principals to the importance of the work of the Humanitarian Coordinators, and the Office had made a significant contribution to the inter-agency review of the Collaborative Approach on Internally Displaced Persons (IDPs). In 2003 UNHCR had joined the United Nations Development Group, with a view to strengthening its partnerships in pursuit of durable solutions for refugees, returnees and internally displaced persons. It had developed its own Framework for Durable Solutions, consolidating information on background, policy development and initial operational activities under the three key strategies: repatriation, reintegration, rehabilitation and reconstruction (the "4Rs"); Development through Local Integration; and Development Assistance for Refugees. It had participated in a working group to develop guidelines for the Resident Coordinators and Country Teams in achieving durable solutions for various target groups.

8. Sadly, security issues had absorbed much attention in the past year. Through the Office of the

United Nations Security Coordinator, IASC and ECHA, UNHCR had worked towards developing a clearer vision and strategy on how to manage increased risks to the security of humanitarian personnel. A field-based operational organization such as UNHCR needed a flexible security system which allowed it to leave quickly when necessary and to stay or return when possible.

9. UNHCR had successfully applied to co-sponsor the Joint United Nations Programme on HIV/AIDS. In February 2004 it had hosted and chaired the Inter-Agency Advisory Group on AIDS, on the theme of HIV/AIDS among populations displaced by conflict. Refugees had too often been stigmatized as carriers and excluded from HIV/AIDS programmes.

10. In April 2004 the High Commissioner and the Under-Secretary-General for Peacekeeping Operations had signed a joint letter on enhanced cooperation, especially in security for refugees, IDPs and returnees; disarmament, demobilization and reintegration; mine action; and the rule of law. In December 2003 the Executive Heads of UNHCR and the United Nations Human Settlements Programme had signed a Memorandum of Understanding on a number of shelter issues, including property restitution and property rights for returnees or refugees integrating into local communities. UNHCR had maintained close cooperation with the World Food Programme and joint regional workshops had been held for field colleagues involved in food management. Cooperation had been stepped up with the International Labour Organization, which was joining UNHCR, the United Nations Volunteers and the International Organization for Migration in a project aimed at a comprehensive solution for Afghan displacement.

11. The preferred durable solution for refugees was voluntary repatriation. UNHCR had active repatriation operations in Africa including the voluntary repatriation of Sierra Leoneans from Guinea and Liberia and the continuing repatriation of Eritrean refugees from the Sudan; the repatriation of Somali refugees mainly to north-west Somalia; the voluntary repatriation of Angolan refugees from Zambia, the Democratic Republic of the Congo and Namibia; the repatriation of Rwandans; and a limited operation into some of the more secure parts of Burundi. Other operations would begin in 2004 and 2005 if the various peace processes in Liberia, the Sudan, Burundi and the Democratic Republic of the Congo continued to evolve positively.

12. The reintegration of returnees was a challenge which could not be addressed by UNHCR alone. The "4Rs" strategy was well under way in Sierra Leone, Eritrea and north-west Somalia, and progress was expected in 2004 in Angola and Liberia. Where refugees were unable to return home in the immediate future, UNHCR sought to increase their self-reliance while addressing the needs of host communities, through strategies such as the Zambia Initiative, the Uganda Self Reliance Strategy and the Chogo settlement for Somali refugees in the United Republic of Tanzania. UNHCR had strengthened the staffing of resettlement operations and had enhanced resettlement operations. In protracted refugee situations, it sought solutions through the Agenda for Protection, the High Commissioner's Convention Plus initiative and the Framework for Durable Solutions. A methodology was being developed for Comprehensive Plans of Action for specific refugee situations.

13. Rapidly evolving situations in Africa called for a strong emergency preparedness and response capacity to plan for, and deal with, sudden large-scale movements of population. In Burundi, a UNHCR emergency team had been deployed to assist about 34,000 refugees who had fled across the border from the Kivus region of the Democratic Republic of the Congo. In Chad, about 196,000 refugees had fled the conflict in the Sudan's Darfur province, taking refuge along the 1,350 kilometre border. Operations were now at a critical point, with 16,000 refugees wanting to stay at the border. UNHCR was trying to move the others to camps inland. More staff were being deployed and extra relief supplies were being airlifted into the area. Heavy rains were now hampering efforts to reach and assist the refugees still located near the border. Food and relief supplies had therefore been pre-positioned in order to support the relocated refugees until the end of the rainy season.

14. Refugee documentation and registration data were being constantly improved. Gender equality and the participation of women, especially in decision-making and camp management, were also being improved through the High Commissioner's "Five Commitments to Refugee Women". Individual country plans of action were being implemented to address sexual and gender-based violence in refugee camps in Africa.

15. Innovative partnerships had been built in Africa with the African Parliamentary Union, the African Commission on Human and People's Rights and other regional and subregional organizations. UNHCR was involved in discussions on the New Partnership for Africa's Development (NEPAD), and was chairing the NEPAD sub-cluster on humanitarian response and post-conflict recovery. With its partners, it was advocating for the recognition that good governance, peace and security and conflict resolution were preconditions for sustainable development in Africa, as well as for successful repatriation.

16. **Mr. Soemarno** (Indonesia), referring to sub-item (h), said that Indonesia, which had played a key role in bringing into existence the Permanent Forum on Indigenous Issues, wished to draw attention to irregularities in the Forum's working procedures. First, his delegation was deeply concerned about the Coordinating Committee's blunder during the selection process for membership of the Forum of listing West Papua as an independent country, separate from Indonesia. Not only did that error bring into question the territorial integrity of Indonesia, but also, it constituted a grave infringement of the United Nations Charter. It was unfortunate that instead of focusing on legitimate issues of importance to indigenous people, the Forum was serving to advance the ambitions of separatist movements.

17. Second, his delegation strongly contested paragraph 52 of the report of the Permanent Forum (E/2004/43), in which the Forum expressed concern about alleged atrocities and human rights violations committed in the West Papua and Maluku provinces of Indonesia. As a matter of principle, Indonesia's 500 ethnic groups were all regarded as equally indigenous; any reference to Indonesia in the Forum's report was therefore irrelevant. Moreover, as an advisory body of experts, the Forum should have treated unconfirmed reports in a more responsible manner and engaged in constructive dialogue with his delegation. Its failure to do so constituted a severe breach of the trust Indonesia placed in the Forum. It was of the utmost importance that the Permanent Forum should fulfil its responsibilities in an impartial, objective and reliable manner.

18. **Mr. Zhang** Yishan (China), speaking on sub-item (g), said that the fundamental principle and purpose of the Commission on Human Rights was to promote and protect human rights. It should serve as a forum where countries could exchange views and build cooperation. However, during the sixtieth session of the Commission, certain countries had deliberately levelled accusations against others, thereby damaging the working atmosphere and the credibility of the Commission. With the development of globalization, an important challenge for many developing countries was how to ensure the enjoyment of economic, social and cultural rights. To ignore those rights was to deny the justified demands of developing countries on human rights issues. He urged the Commission to pay greater attention to those rights, and to the right to development.

19. Human rights and terrorism now took an important place on the Commission's agenda. All terrorism sought to harm innocent people and constituted a grave violation of human rights. The international community should therefore firmly oppose all forms of terrorism, without double standards. At the same time, it was essential to abide by international law, especially international human rights and humanitarian law. Counter-terrorism could not be used as an excuse to defy respect for and protection of human rights and fundamental freedoms.

20. In March 2004 the Chinese National People's Congress had amended the Chinese Constitution to guarantee respect for human rights. His Government would continue to strive tirelessly to raise the level of all human rights and fundamental freedoms enjoyed by the Chinese people. It wished to play an active role in the work of the Commission, to strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights, and to continue carrying out human rights exchanges and activities with other countries.

21. **Mr. Reyes Rodríguez** (Cuba) said that few issues were more important to the strengthening of peace, freedom, development and human welfare than the protection of human rights. Paradoxically, it would be difficult to find other forums within the United Nations system so given to hypocrisy, double standards and political manipulation as the Commission on Human Rights. At its sixtieth session, the major western Powers had once again tried to make the world believe that only in the South were human rights violated, and there had been a proliferation of draft resolutions condemning those who resisted the model of global dominance that the imperial super-Power was trying to impose on the world with the complicity of former

colonial countries and neo-colonialists. Those countries had succeeded in preventing the Commission from articulating its view of the humiliating and inhuman detention of hundreds of prisoners at the United States naval base in Guantánamo Bay. Members of the Council would have an opportunity to demonstrate their commitment to human rights when considering draft resolution E/2004/L.17/Rev.1 on the protection of human rights and fundamental freedoms in the context of international military operations launched to combat terrorism. Unfortunately, the industrialized Powers of the North were developing an arsenal of pretexts and false arguments to preserve the immunity of those responsible for appalling violations of human rights.

22. Aware that the Cuban people had unmasked its imperial ambitions, the Government of the United States was resorting to increasingly aggressive and hostile action to demonize and destroy the Cuban revolution and its sovereign option of development and independence. For a country that as recently as 6 May 2004 had escalated its hostile actions against the most basic human rights of the Cuban people to self-determination, development, peace and the family, the United States' preoccupation with human rights in Cuba defied any degree of credibility. For the ultra right-wing administration currently in power in the United States, the destruction of the Cuban revolution had become a political and ideological obsession. The White House had yet to admit that the Cuban nation had the right to fully exercise its sovereignty; its objective was to bring about the destruction of the Cuban people's chosen political, economic, social and cultural system. Not counting funds channelled through covert action by American intelligence agencies, some 60 million dollars would be spent over the next two years to recruit and finance a fifth column of mercenaries in Cuba.

23. The heroic Cuban people were struggling hard to protect their right to self-determination and independence against a super-Power that had arrogated to itself the right to intervene and wage preventive war against 60 or more countries. Cuba firmly rejected the anti-Cuban draft resolution imposed on the sixtieth session of the Commission; the Cuban people would always be on the side of those who pursued their dream of a world in which all people were guaranteed the full enjoyment of all their rights.

24. **Mr. Gallegos** (Ecuador), referring to sub-item (h), said that while much progress had been made regarding the recognition and protection of the rights of indigenous people, the discrimination, racism and exploitation with which they had to contend remained a challenge for those countries whose indigenous people lived below the poverty line. At the third session of the Permanent Forum on Indigenous Issues, it had become obvious that indigenous women were among the most marginalized groups of society and that their living conditions were markedly worse than those of other groups because of their limited access to health and other social services and deterioration of their environment. For that reason, priority should be given to strengthening the implementation of national policies and programmes that safeguarded health as a basic human right, and urging United Nations agencies to promote the reproductive rights of indigenous women, culture-friendly health services, and the rejection of forced sterilization programmes that could result in ethnic genocide.

25. The urgent problem of the migration of indigenous women, including trafficking within and across national borders, should be addressed more responsibly and decisively, not only for what it meant to the lives of the women themselves, but also because of the repercussions for the communities of origin, in which women played a fundamental role as mothers and as custodians of the values of their societies. Ecuador welcomed the Forum's recommendation to hold a workshop to address that issue. It believed that the machinery for institutional, subregional, regional and global dialogue needed to be strengthened and the responsibility shared.

26. To optimize the working methods of the Forum, priorities would have to be set for its recommendations, determining which were the most urgent and viable, and which could be implemented most effectively and realistically. Better coordination was needed between the efforts of the Forum and those of Governments and United Nations agencies.

27. **Ms. Taracena** (Guatemala), referring to sub-item (g), said that her country's commitment to human rights had been demonstrated in the signing of the 10 Peace Accords, including the Comprehensive Agreement on Human Rights, the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict, and the Agreement on Identity and Rights of Indigenous Peoples. To honour its

commitments under the Peace Accords and under ILO Convention No. 169, the Ministry of Labour and Social Welfare, through its Indigenous People's Department, had created a diploma programme to train public servants, leaders of indigenous organizations and political parties in the identification, formulation, implementation and evaluation of multicultural public policies inspired by the ethnic and cultural diversity of the country. A comprehensive law on the protection of children and adolescents had been enacted, under which the national commission on children and adolescents was to report to Congress on its activities. In the area of child labour, Guatemala had met its international obligations by ratifying ILO Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

28. **Mr. Vlasov** (Russian Federation), speaking on sub-items (f) and (g), said that the consideration of human rights issues within the United Nations should help to bring countries closer together and develop cooperation in the humanitarian sphere. It was extremely important that there should be due respect for the cultural, historical and religious traditions of States. Double standards were unacceptable. Human rights must not be politicized, or used to intervene in the internal affairs of sovereign States or to justify concepts such as "humanitarian intervention" or "limited sovereignty".

29. States themselves had primary responsibility for promoting and protecting human rights, and international institutions and monitoring mechanisms had only a subsidiary role to play. That approach underpinned the international human rights instruments and was the basis for equal international cooperation in human rights; it must be upheld by the Office of the United Nations High Commissioner for Human Rights, which was responsible for developing dialogue and cooperation among States, without politicization of any kind. Technical assistance programmes in human rights had an important role to play in the regard and must be provided on a voluntary and impartial basis. As for the staffing of the Office, the perennial problem of non-observance of the principle of equitable geographical representation must be resolved through full implementation of the recommendations of the Joint Inspection Unit (A/59/65-E/2004/48), and of the Commission's resolution 2004/73.

30. At the Commission's sixtieth session, confrontation between "North" and "South" had continued unabated, a situation for which the developed countries were primarily responsible. It was very disturbing that some States were lecturing others on human rights, even though they themselves were far from perfect in that sphere, and were looking for new scapegoats, when what was needed was an equal and mutually respectful dialogue on truly urgent issues. His delegation was also concerned at the multiplication of special procedures, which placed an additional financial burden on the United Nations and contributed nothing to the work of the universal human rights mechanisms, in which there was already duplication.

31. His delegation welcomed the prominence now given to efforts to combat racism in all its manifestations. A clear strategy must be devised for combined action to implement the decisions of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the resolution emanating from the African Group. The Russian Federation would continue to do everything possible to support the work of the United Nations in that area. Resolution 2004/16 adopted on its initiative at the sixtieth session of the Commission condemned neo-Nazism, the glorification of former members of the Waffen SS organization and the practice of allowing them to hold public demonstrations. Such activities, held with the connivance and sometimes even the support of the authorities, contributed to ethnic discord and insulted the memory of the countless victims of Nazism and of the Holocaust. It was astounding and deplorable that the Western group of States had voted against that resolution, thereby operating a double standard and impugning the decisions of the Nurnberg Tribunal and the purposes and principles of the United Nations, which had been established in response to the suffering caused by fascist ideology.

32. Progress towards universal observance of human rights called for effective protection of the rights of national and linguistic minorities. The international standards and universal mechanism adopted for that purpose had resulted in significant progress at the national level. However, some supposedly democratic countries which had recently joined the European Union were continuing to discriminate against those minorities and did not appear to be doing anything to rectify that situation, despite the recommendations of

the Committee on Human Rights and the Committee on the Elimination of Racial Discrimination. That situation was totally unacceptable; his delegation called upon international organizations to bring pressure to bear on those countries to comply with international and European human rights standards.

33. **Mr. Choi** (Australia), referring to sub-item (h), said that the information concerning indigenous issues contained in the report in document E/2004/85 did not adequately respond to the request made by the Council in decision 2000/22. The report made no comment on the effectiveness of United Nations mechanisms dealing with indigenous issues and no assessment of whether duplication existed or how activities could be rationalized, and did not deal with the issue of how scarce resources could be allocated more effectively.

34. It was clear that duplication and inefficiencies existed. After the Working Group on Indigenous Populations had drawn up the draft declaration on the rights of indigenous peoples, its main mandate had been fulfilled, and it had then sought to create additional work for itself on standard-setting in an effort to remain engaged and relevant. However, a range of studies that had been requested by the Working Group had never been carried out. The Working Group's study on indigenous peoples and treaties had been completed in 1999, a full decade after it had originally been mandated, and it was far from clear how that report had assisted in the development of standards for indigenous peoples.

35. Despite assertions by the Working Group that there was no duplication with other United Nations mechanisms, the overlap was obvious. His delegation was particularly concerned that, faced with increasing disquiet among States regarding its relevance, the Working Group was now trying to differentiate its mandate in order to ensure its own continuation. In so doing, it had lost its original focus of promoting improvement of the situation of indigenous peoples; that role had been more than adequately taken over by the Permanent Forum on Indigenous Issues. For that reason, his delegation strongly believed that the time had come to end the mandate of the Working Group.

36. **Mr. Bernal** (Colombia) said that his delegation rejected the selective mention of an alleged situation in the Colombian indigenous populations in paragraph 52 of the report of the Permanent Forum on Indigenous Issues (E/2004/43). The Permanent Forum seemed to be unaware of the particular circumstances of a national situation characterized by an internal armed conflict that had consequences for the safeguarding of fundamental rights. It was imputing responsibility to his Government for actions that had been carried out by non-governmental armed groups against civilians, including indigenous peoples, who enjoyed special protection under the Colombian Constitution. Meanwhile, States in other parts of the world where actual atrocities and human rights violations had taken place were not named. His delegation called on the Council to undertake a review of the working methods of the Permanent Forum to ensure rigorous objectivity in its work.

37. His delegation would join in the consensus on the draft decision, but wished to express its concerns and reservations. It reiterated its support for the Permanent Forum, but urged the Forum to stay within its mandate and abide by the principles governing the United Nations system as well as the human rights protection system, especially the cardinal principles of objectivity and non-selectivity. The Forum must avoid overlap and duplication with other bodies. His delegation did not accept the dangerous tendency whereby the Council was becoming a passive onlooker in relation to the actions of its subsidiary organs and the reports they produced.

38. **Mr. Abreha** (Observer for Ethiopia) expressed his delegation's disappointment that the report of the Permanent Forum on Indigenous Issues on its third session (E/2004/43, para. 52), singled out his country to express its deep concern about the violation of the human rights of indigenous peoples. The Ethiopian Constitution clearly guaranteed the rights of its diverse nations, nationalities and peoples to speak, write and develop their own languages, to express, develop and promote their cultures, and to preserve their histories. Under the Constitution, those nations, nationalities and peoples had the right to self-government, including the right to establish governmental institutions in their territories, and to equitable representation in state and federal government.

39. Since no nation, nationality or people in Ethiopia had ever been referred to as "indigenous", his delegation was surprised that the Forum had even deliberated on the situation of indigenous people in Ethiopia. Such allegations exceeded its mandate and would be more appropriately considered in other United Nations bodies. Singling out developing

countries for criticism on the strength of baseless allegations was of questionable value and appeared to be politically motivated. His delegation therefore called on the Permanent Forum to take into account the concerns and reservations he had outlined with respect to paragraph 52 of its report, and to address the issue of the human rights of indigenous peoples within its mandate, as laid down in Economic and Social Council resolution 2000/22.

40. **Mr. Begg** (Observer for New Zealand) said that his delegation, too, was disappointed at the lack of analysis in the report of the Secretary-General on information concerning indigenous issues requested by the Economic and Social Council (E/2004/85). Only a small number of Member States had provided information and views for inclusion in the report and, regrettably, with one or two exceptions, those States that had been most vocal in calling for the review and had expressed the strongest views on it had not provided input to either the current or the previous year's report.

41. While, for two decades, the Working Group on Indigenous Populations had played a vital role in bringing indigenous issues to the attention of the international community, its more recent debates had become stale and its work had not led to improvements in the living conditions of indigenous people. The Working Group on a draft United Nations declaration on the rights of indigenous peoples now appeared to be the main standard-setting body. His delegation welcomed recent improvements in transparency and confidence, and hoped that the handful of States which continued to block progress would reflect very carefully on their position. His delegation believed that if the current commitment and momentum in favour of compromise on all sides continued, negotiations could be completed before the expiry of the Working Group's mandate.

42. Meanwhile, the Permanent Forum on Indigenous Issues had gained pre-eminence as both a model for confidence-building, consultation and partnership between States and indigenous peoples, and as a body led by indigenous people. New Zealand had supported its work as the focal point for system-wide activities, including by the specialized agencies. It welcomed increasing cooperation among components of the United Nations system to promote indigenous causes and supported continued strengthening of existing cooperation mechanisms and exchanges of information. It also endorsed the vital role played by Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous peoples. New Zealand hoped that he would work closely with the Permanent Forum, and would welcome a visit by him.

43. The issue of duplication must be addressed. Multiple forums addressing similar or overlapping issues were becoming a drain on budgetary resources, and multiple meetings and venues placed significant burdens on Governments and indigenous delegations. Fewer meetings and a rationalization of agendas would help to boost attendance and encourage wider representation and a greater exchange of views. A decision on the future of the Working Group on Indigenous Populations would have to be taken soon, taking into account the views of indigenous experts. One option would be to make it a sessional working group of the Subcommission on the Promotion and Protection of Human Rights. It would also be useful to examine the length of its sessions, given the declining attendance by Member States.

44. **Ms. Johansen** (United Kingdom) agreed with the representatives of Australia and New Zealand that the Council should continue to review the future of the Working Group on Indigenous Populations in view of the obvious overlap between its mandate and that of the Permanent Forum on Indigenous Issues.

45. **Mr. Takase** (Japan) referred to the note by the Secretary-General on the report of the Joint Inspection Unit on the management review of the Office of the United Nations High Commissioner for Human Rights (A/59/65-E/2004/48) and expressed the hope that it would contribute to further enhancing the effective and efficient management of that Office.

46. Turning to the report of the Secretary-General on information concerning indigenous issues requested by the Economic and Social Council (E/2004/85), he said that, like the delegation of Australia, Japan supported the conclusions concerning more effective use of the scarce resources of indigenous peoples and their organizations and a lead role for the Council in ensuring greater coherence and coordination among the various United Nations mechanisms for indigenous peoples (E/2004/85, sect. VI, paras. 50 and 51). The Council should continue its efforts in line with those conclusions.

47. **Mr. Gopinathan** (India) said that his delegation shared Indonesia's concerns with respect to the selection of experts to represent indigenous peoples, as well as the general concern at the Permanent Forum's tendency to exceed its mandate and deal with questions beyond its competence. It was regrettable that the Council had not undertaken a thorough review of all the mechanisms and procedures available within the United Nations system to deal with indigenous issues. His delegation hoped the report of the Secretary-General would be carefully considered during the fifty-ninth session of the General Assembly in anticipation of the comprehensive review to be carried out in 2005.

Recommendations contained in the report of the Commission on Human Rights (E/2004/23 and E/2004/23/Corr.1 and programme budget implications thereto, contained in document E/2004/L.34)

48. **The President** invited the Council to turn to the draft decisions recommended for adoption by the Council contained in chapter I of the report of the Commission on Human Rights on its sixtieth session (E/2004/23 and Corr.1) the programme budget implications of which were set out in document E/2004/L.34.

Draft decision 1: Strengthening of the Office of the United Nations High Commissioner for Human Rights

49. *A recorded vote was taken.*

In favour:

Armenia, Azerbaijan, Bangladesh, Belgium, Belize, Benin, Bhutan, Burundi, Canada, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Nicaragua, Nigeria, Panama, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sweden, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Zimbabwe.

Against:

None.

Abstaining:

Australia, United States of America.

50. *Draft decision 1 was adopted by 52 votes to none, with 2 abstentions.*

Draft decision 2: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

51. *A recorded vote was taken.*

In favour:

Armenia, Azerbaijan, Bangladesh, Belize, Benin, Bhutan, Burundi, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Ghana, Guatemala, India, Indonesia, Jamaica, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Nigeria, Panama, Qatar, Russian Federation, Senegal, Tunisia, United Arab Emirates, United Republic of Tanzania, Zimbabwe.

Against:

Australia, Belgium, Canada, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Poland, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Nicaragua, Republic of Korea, Saudi Arabia.

52. Draft decision 2 was adopted by 34 votes to 17, with 3 abstentions.

Draft decision 3: The right to development

53. *A recorded vote was taken.*

In favour:

Armenia, Azerbaijan, Bangladesh, Belgium, Belize, Benin, Bhutan, Burundi, Canada, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Nicaragua, Nigeria, Panama, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sweden, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Zimbabwe.

Against:

Australia, Japan, United States of America.

Abstaining:
None.

54. *Draft decision was adopted by 51 votes to 3.*

Draft decision 4: Question of the violation of human rights in the occupied Arab territories, including Palestine

55. **Ms. Zack** (United States of America), speaking in explanation of vote before the voting, said that the United States was deeply concerned about terrorist activities and ongoing violence in Israel, the West Bank and the Gaza. Indeed, the human rights situation had deteriorated in large part due to the conflict. The United States regretted all civilian casualties and suffering and mourned with the families of innocent victims on both sides. Unfortunately, the draft decision did not reflect the reality of the situation on the ground. Rather, it presented a completely one-sided perspective and turned a blind eye on everything else occurring in the region, including terrorism.

56. The United States was intensely engaged in trying to move the Middle East peace process forward in a manner consistent with Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002). In his address delivered on 24 June 2002, President Bush had clearly articulated his vision of two States, Israel and Palestine, living side by side in peace and security. In November 2003, the Security Council had unanimously adopted its resolution 1515 (2003) endorsing the Quartet Performance-based Roadmap and calling on the parties to fulfil their obligations under the Roadmap to achieve the vision of two States living side by side in peace and security.

57. The United States would vote against the draft decision and urged all those opposed to the use of terrorism to demonstrate their position by doing likewise.

58. **Mr. Laurin** (Canada) said that Canada continued to have serious concerns regarding the human rights situation in the Palestinian territories. Canada was particularly troubled by the continued construction of the barrier within the West Bank and East Jerusalem, as well as the effects of ongoing curfews and closures on the humanitarian and socio-economic situation. Settlement expansion, the expropriation of lands, and the destruction of houses and property within the occupied territories were contrary to international law, undermined the prospects for a two-State solution and were harmful to the peace process. Canada urged all parties to comply fully with international law, including international humanitarian law, and maintain the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) to the occupied territories.

59. As indicated in its statement during the session of the Commission on Human Rights, Canada could not emphasize strongly enough its belief that dialogue, not violence, was the best means of advancing peace, and ultimately, the security, dignity and human rights of all people. By failing to condemn all acts of terrorism, the resolution of the Commission on Human Rights neither adequately reflected the situation nor contributed to its improvement. Furthermore, it contained inflammatory and unacceptable language that singled out one party to the conflict. For those reasons, his delegation would vote against the draft decision.

60. *A recorded vote was taken.*

In favour:
Armenia, Azerbaijan, Bangladesh, Belize, Benin, Bhutan, Burundi, Chile, China, Colombia, Congo, Cuba, Ecuador, Ghana, India, Indonesia, Jamaica, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Panama, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Zimbabwe.

Against:
Australia, Canada, Germany, Hungary, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:
Belgium, Finland, France, Greece, Guatemala, Ireland, Japan, Kenya, Nicaragua, Nigeria, Poland, Sweden.

61. *Draft decision 4 was adopted by 34 votes to 7, with 12 abstentions.*

Draft decision 7: Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.

62. *A recorded vote was taken.*

In favour:

Azerbaijan, Bangladesh, Belize, Benin, Bhutan, Burundi, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Ghana, Guatemala, India, Indonesia, Jamaica, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Nicaragua, Nigeria, Panama, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Tunisia, United Arab Emirates, United Republic of Tanzania, Zimbabwe.

Against:

Australia, Belgium, Canada, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Poland, Senegal, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Ukraine.

63. Draft decision 7 was adopted by 35 votes to 17, with 2 abstentions.*

Draft decision 8: The right to food

64. *A recorded vote was taken.*

In favour:

Armenia, Azerbaijan, Bangladesh, Belgium, Belize, Benin, Bhutan, Burundi, Canada, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Nicaragua, Nigeria, Panama, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sweden, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Zimbabwe.

Against:

United States of America.

Abstaining:

Australia.

65. *Draft decision 8 was adopted by 52 votes to 1, with 1 abstention.*

Draft decision 9: Human rights and extreme poverty and draft decision 10: The right to education

66. *Draft decisions 9 and 10 were adopted.*

Draft decision 11: The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

67. **Ms. Zack** (United States of America), speaking in explanation of vote before the voting, said that in the view of her delegation, there were several problems with the draft decision. Her delegation also had concerns regarding the report prepared by the Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health, and believed that the Special Rapporteur had exceeded his mandate and had inappropriately focused on rights to sexual and reproductive health. Consequently, her delegation would vote against the draft decision.

68. *A recorded vote was taken.*

In favour:

Armenia, Australia, Azerbaijan, Bangladesh, Belgium, Belize, Benin, Bhutan, Burundi, Canada, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Nicaragua, Nigeria, Panama, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sweden, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

69. *Draft decision 11 was adopted by 53 votes to 1.*

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* The delegation of Senegal subsequently informed the Council that it had intended to abstain.

Draft decision 12: Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

70. **Mr. Hof** (Observer for the Netherlands), speaking in explanation of vote before the voting, on behalf of the European Union, recalled that the draft decision before the Council merely approved the decision of the Commission on Human Rights to renew, for a period of two years, the mandate of the open-ended Working Group with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. The renewal of that mandate was important because a more thorough debate was needed on the options, and that view was shared by the majority of the Working Group's members. The draft decision followed the recommendation of the Working Group's Chairperson/Rapporteur, which struck a delicate balance between the various positions expressed. The European Union therefore felt that the draft decision was a balanced compromise that preserved the need for a meaningful outcome of the Working Group, while recognizing the need for further debate. The European Union supported the draft decision and its member States would vote in favour of it.

71. *A recorded vote was taken.*

In favour:

Armenia, Azerbaijan, Bangladesh, Belgium, Belize, Benin, Bhutan, Burundi, Canada, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Nicaragua, Nigeria, Panama, Poland, Republic of Korea, Russian Federation, Senegal, Sweden, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Zimbabwe.

Against:

Australia.

Abstaining:

Qatar, Saudi Arabia, United Arab Emirates, United States of America.

72. *Draft decision 12 was adopted by 49 votes to 1, with 4 abstentions.*

Draft decision 13: The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

73. **Ms. Zack** (United States of America), speaking in explanation of vote before the voting, said that her delegation had joined the consensus on resolution 2004/34 of the Commission on Human Rights, and supported the initiative. However, her delegation was surprised to see that the draft decision before the Council had programme budget implications, even though the text of the draft decision requested the United Nations High Commissioner for Human Rights to hold the meeting in question using available resources. It therefore believed that the funds for the meeting should have been found within the existing resources of the regular budget. Although her delegation would otherwise have been able to join the consensus, it would have to vote against the draft decision.

74. *A recorded vote was taken.*

In favour:

Armenia, Australia, Azerbaijan, Bangladesh, Belgium, Belize, Benin, Bhutan, Burundi, Canada, Chile, China, Colombia, Congo, Cuba, Ecuador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Nicaragua, Nigeria, Panama, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sweden, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

75. *Draft decision 13 was adopted by 52 votes to 1.*

76. **Mr. Takase** (Japan), said that Japan had been a sponsor of resolution 2004/34 of the Commission on Human Rights because it supported the initiative and because the resolution had contained the phrase "using available resources". It therefore regretted that the decision adopted by the Council had programme budget implications. His delegation had voted in favour of the decision on the understanding that the programme budget implications should be absorbed by cutting other activities of the Commission, having lower priority.

Draft decision 14: Elimination of all forms of religious intolerance

77. *Draft decision 14 was adopted.*

Draft decision 15: Extrajudicial, summary or arbitrary executions

78. *A recorded vote was taken*

In favour:

Armenia, Australia, Azerbaijan, Belgium, Belize, Benin, Bhutan, Burundi, Canada, Chile, Colombia, Congo, Cuba, Ecuador, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Japan, Mauritius, Mozambique, Namibia, Nicaragua, Panama, Poland, Republic of Korea, Russian Federation, Senegal, Sweden, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Zimbabwe.

Against:

None.

Abstaining:

Bangladesh, China, Kenya, Libyan Arab Jamahiriya, Malaysia, Nigeria, Qatar, Saudi Arabia, United Arab Emirates.

79. *Draft decision 15 was adopted by 45 votes to none, with 9 abstentions.*

80. **Ms. Zack** (United States of America) said that the United States had enthusiastically joined the sponsors of resolution 2004/37 of the Commission on Human Rights condemning executions that were extrajudicial, summary or arbitrary, and also had voted in favour of the decision just adopted by the Council. However, the United States believed that the decision should reflect the fact that the mandate of the Special Rapporteur did not include questioning or challenging the legitimacy of capital punishment per se under international law and did not include directly or indirectly promoting or campaigning for the abolition of the death penalty where it currently existed.

Draft decision 16: Enforced or involuntary disappearances; draft decision 17: Torture and other cruel, inhuman or degrading treatment or punishment; draft decision 18: Human rights of migrants; and draft decision 19: Internally displaced persons

81. *Draft decisions 16, 17, 18, and 19 were adopted.*

Draft decision 20: Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights, and the International Decade of the World's Indigenous Peoples

82. **Ms. Zack** (United States of America), speaking in explanation of vote before the voting, said that the United States of America had supported the initiative to create the Permanent Forum on Indigenous Issues, which was beginning to fulfil the vision of mainstreaming the concerns of indigenous communities throughout the United Nations system. The Working Group on a United Nations draft declaration on the rights of indigenous peoples was continuing its work to articulate international protections for indigenous people. Given the existence of the Permanent Forum, the Working Group and the Special Rapporteur of the Commission on Human Rights, the United States of America could not continue to support the Working Group on Indigenous Peoples, which was consuming scarce resources at a time when the full range of issues was being addressed by the Permanent Forum. The United States of America did not find that duplication of performance appropriate or justifiable and would prefer to see those resources more efficiently utilized for other important activities.

83. *A recorded vote was taken.*

In favour:

Armenia, Azerbaijan, Belize, Benin, Bhutan, Burundi, Canada, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Ghana, Guatemala, India, Indonesia, Jamaica, Kenya, Libyan Arab Jamahiriya, Mauritius, Mozambique, Namibia, Nicaragua, Panama, Qatar, Russian Federation, Saudi Arabia, Senegal, Tunisia, Ukraine, United Arab Emirates, United Republic of Tanzania, Zimbabwe.

Against:

Australia, United States of America.

Abstaining:

Bangladesh, Belgium, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Malaysia, Nigeria, Poland, Republic of Korea, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

84. *Draft decision 20 was adopted by 35 votes to 2, with 17 abstentions.*

Draft decision 21: Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

85. *Draft decision 21 was adopted.*

86. **Ms. Zack** (United States of America) said that her delegation had joined the consensus on the draft decision. However, it noted that the Working Group on a United Nations draft declaration on the rights of indigenous peoples continued to struggle to complete its work. The United States supported the concept of internal self-determination, whereby local authorities took their own decisions on a range of issues. It urged the Working Group to make rapid progress, based on principles that could be applied everywhere, for the benefit of native peoples and the nation States of which they were part. It hoped that a declaration would be completed before the end of the current decade.

Draft decision 22: Situation of human rights in Myanmar; draft decision 23: Human rights and indigenous issues; and draft decision 24: Follow-up to the United Nations Decade for Human Rights Education

87. *Draft decisions 22, 23 and 24 were adopted.*

Draft decision 26: Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

88. *A recorded vote was taken.*

In favour:

Armenia, Azerbaijan, Bangladesh, Belize, Benin, Bhutan, Burundi, Chile, China, Colombia, Cuba, Ecuador, El Salvador, Ghana, India, Indonesia, Jamaica, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Nigeria, Panama, Qatar, Russian Federation, Saudi Arabia, Tunisia, United Arab Emirates, United Republic of Tanzania, Zimbabwe.

Against:

Australia, Belgium, Canada, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Poland, Republic of Korea, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Guatemala, Nicaragua, Senegal.

89. *Draft decision 26 was adopted by 32 votes to 18, with 3 abstentions.*

Draft decision 27: Assistance to Somalia in the field of human rights; draft decision 31: Assistance to Sierra Leone in the field of Human Rights; and draft decision 33: World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

90. *Draft decisions 27, 31 and 33 were adopted.*

91. **The President** reminded the Council that draft decisions 5, 6, 25, 28, 29, 30 and 32 had been adopted at its resumed organizational session on 15 June 2004.

The meeting rose at 1.05 p.m.

United Nations
E/2004/SR.49

Economic and Social Council

Provisional

11 October 2004

Original: English

Substantive session of 2004
General segment

Provisional summary record of the 49th meeting
Held at Headquarters, New York, on Thursday, 22 July 2004, at 3 p.m.

President: Mr. Koonjul (Vice-President) .... (Mauritius)

Contents

Social and human rights questions (*continued*)

(g) Human rights (*continued*)

(i) Genetic privacy and non-discrimination (*continued*)

(h) Permanent Forum on Indigenous Issues (*continued*)

Implementation of and follow-up to major United Nations conferences and summits (*continued*)

(b) Review and coordination of the implementation of the Programme of Action for the Least Developed Countries for the Decade 2001-2010 (*continued*)

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

In the absence of Ms. Rasi (Finland), Mr. Koonjul (Mauritius), Vice-President, took the Chair.

The meeting was called to order at 3.10 p.m.

Social and human rights questions (*continued*)

(g) Human rights (*continued*)

(i) Genetic privacy and non-discrimination (*continued*)

Recommendations contained in the report of the Commission on Human Rights (E/2004/23 and E/2004/23/Corr.1 and programme budget implications thereto, contained in document E/2004/L.34) (continued)

Draft decision 34: Decision relating to Paraguay under the procedure established in accordance with Economic and Social Council resolution 1503 (XLVIII)

Draft decision 35: Corruption and its impact on the full enjoyment of human rights, in particular economic, social and cultural rights

1. *Draft decisions 34 and 35 were adopted.*

Draft decision 36: Globalization and its impact on the full enjoyment of human rights

2. *At the request of the representative of the United States of America, a recorded vote was taken on draft decision 36.*

In favour:

Armenia, Azerbaijan, Bangladesh, Belgium, Belize, Benin, Bhutan, Burundi, Canada, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Panama, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Sweden, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Zimbabwe.

Against:

United States of America.

Abstaining:

Australia.

3. *Draft decision 36 was adopted by 52 votes to 1, with 1 abstention.*

Draft decision 38: Traditional practices affecting the health of women and the girl child

Draft decision 39: Publishing the report of the Special Rapporteur on the rights of non-citizens

Draft decision 40: Voluntary fund on minority-related activities

4. *Draft decisions 38, 39 and 40 were adopted.*

Draft decision 41

5. **The President** drew attention to document E/2004/23/Corr.1, which stated that draft decision 41, entitled "International year/decade on the world's minorities" should be deleted from the list of draft decisions recommended for action. Subsequent draft decisions in the report would be renumbered accordingly.

Draft decision 42: Responsibilities of transnational corporations and related business enterprises with regard to human rights

6. *Draft decision 42 was adopted.*

7. **Ms. Zack** (United States of America) said that although her delegation had joined the consensus on draft decision 42 in the Commission on Human Rights, and now in the Council, it believed that the initiative went beyond the mandate of the Subcommission on the Promotion and Protection of Human Rights. The Subcommission was not a monitoring body and the subject had been addressed elsewhere. It was Governments, not transnational corporations, that violated human rights. The Subcommission had not adequately consulted with and obtained input from all interested parties in formulating and adopting the proposed norms.

Draft decision 43: Human rights and bioethics

8. *At the request of the representative of the United States of America, a recorded vote was taken on draft decision 43.*

In favour:

Armenia, Australia, Azerbaijan, Bangladesh, Belgium, Belize, Benin, Bhutan, Burundi, Canada, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Nigeria, Panama, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sweden, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

9. *Draft decision 43 was adopted by 52 votes to 1.*

Draft decision 44: The universal implementation of international human rights treaties

10. *Draft decision 44 was adopted.*

11. **Ms. Zack** (United States of America) said that while her delegation had joined the consensus on the draft decision and on the decision of the Commission on Human Rights to appoint a special rapporteur to conduct a study of the universal implementation of international human rights treaties, her Government rejected any assertion of obligations beyond those of the States Parties to each treaty and called on the Special Rapporteur to follow that dictum in his study of the implementation of international human rights treaties.

Draft decision 45: Dates of the sixty-first session of the Commission on Human Rights

12. *Draft decision 45 was adopted.*

Draft decision 46: Organization of work of the sixty-first session of the Commission on Human Rights

13. **The President** drew attention to the statement of programme budget implications in document E/2004/L.34.

14. **Ms. Zack** (United States of America), speaking in explanation of vote before the voting, said that draft decision 46 would authorize six fully serviced additional meetings of the Commission at its sixty-first session. The Chairperson should make every effort to organize the work of the session within the time allotted to it. Her delegation did not believe that additional meetings would be necessary. Owing to the budgetary implications of holding extra meetings, her delegation would be voting against the draft decision.

15. *At the request of the representative of the United States of America, a recorded vote was taken on draft decision 46.*

In favour:

Armenia, Australia, Azerbaijan, Bangladesh, Belgium, Belize, Benin, Bhutan, Burundi, Canada, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Nicaragua, Nigeria, Panama, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sweden, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

16. *Draft decision 46 was adopted by 53 votes to 1.*

17. **Mr. Takase** (Japan) said that his delegation was concerned about the programme budget implications associated with the failure of the Commission on Human Rights to set priorities among its activities. The Commission should develop specific measures to enhance efficiency so that it could conclude its sessions within the time allotted to it. His delegation would be working closely with other members towards more efficient management of the Commission.

18. **Mr. Caddell** (Canada) said that his Government was a strong supporter of the Commission on Human Rights and recognized the possible need for extra meetings if unforeseen events occurred. As a matter of principle, however, contingencies should not be underwritten in advance; it was best to address needs as they arose. Nevertheless, his delegation had voted in

favour of the draft decision in the belief that the Commission would organize its work as if the six additional days had not been allotted to it. He believed that the Commission could accomplish its work with its existing resources and urged it to do so.

Draft decision 48: Technical cooperation in the field of human rights in Afghanistan

19. *Draft decision 48 was adopted.*

20. **The President** recalled that the Council had adopted draft decisions 37 and 47 at its resumed organizational session of 2004.

Draft resolution E/2004/L.17/Rev.1: Question of the protection of human rights and fundamental freedoms in the context of international military operations launched to combat terrorism

21. **The President** said that he had been informed that draft resolution L.17/Rev.1 had no programme budget implications.

22. **Mr. Reyes-Rodríguez** (Cuba), speaking in explanation of vote before the voting, said that draft resolution E/2004/L.17/Rev.1 had been widely discussed in informal consultations and included the shared views of many delegations. Contrary to arguments that would be put forward by some delegations, the draft resolution did not duplicate other human rights initiatives and addressed areas not covered elsewhere. Some delegations, unfortunately, would not be able to vote as they might have wished because of pressures exerted on them. No objection could be raised to the draft resolution on the grounds of ethics or morality or international law, since it set out to defend values and principles. The votes against it would be cast by countries that normally voted in favour of condemning developing countries. The votes cast in red against the draft resolution would reflect the colour of shame. Delegations that voted against the draft resolution would have to answer to the public, who demanded that human rights should be respected in connection with counter-terrorism activities. By voting in favour of the draft resolution, the Council had an opportunity to show the public that it was working for all people. To reject it would be a politically motivated act reflecting the hegemony and influence of the few.

23. **Mr. van den Berg** (Observer for the Netherlands), speaking on behalf of the European Union, said that the European Union, whilst condemning unequivocally all acts of terrorism as criminal and unjustifiable, strongly believed that efforts to combat terrorist acts must at all times be carried out with full respect for human rights and fundamental freedoms and in accordance with international human rights law. Although it expressed concern about the issues mentioned in the draft resolution, it believed that they could be addressed more efficiently elsewhere.

24. The European Union and others had worked hard to ensure that Commission on Human Rights resolution 2004/87 on the protection of human rights and fundamental freedoms while countering terrorism, would be acceptable to all. It looked forward to the study by the United Nations High Commissioner for Human Rights, assisted by the independent expert. That work must not be undermined or pre-empted by a competing initiative that was limited in scope and imprecise with respect to the application of international human rights law and international humanitarian law.

25. The European Union firmly adhered to the fundamental principle that torture could never be justified under any circumstances. Freedom from torture and other cruel, inhuman or degrading treatment or punishment or from arbitrary detention was a non-derogable right and must be protected in all circumstances. However, the issue of torture was dealt with in General Assembly resolution 58/164, and Commission on Human Rights resolution 2004/41. The issue of arbitrary detention was dealt with in Commission on Human Rights resolution 1997/50. The European Union strongly supported the work of the working group on arbitrary detention and was committed to cooperating with the Commission on Human Rights to ensure that efforts to combat terrorism did not infringe upon human rights and fundamental freedoms. It preferred not to start a debate on these issues in the Council, since they were the subject of thorough discussion and active follow-up elsewhere. For those reasons, the European Union had decided to vote against the draft resolution.

26. **Mr. Vlasov** (Russian Federation) said that his Government attached great significance to strengthening international efforts to combat all forms of terrorism. There could be no justification for terrorism carried out under any pretext, and using human-rights rhetoric to legitimize terrorist acts was

absolutely unacceptable. His delegation believed that strict observance of universally recognized standards of human rights and effective protection of victims must be ensured during any counter-terrorist campaign. It had therefore consistently supported the resolutions adopted by the Commission on Human Rights and the Third Committee on the protection of human rights and fundamental freedoms while countering terrorism and on human rights and terrorism.

27. The draft resolution introduced by the representative of Cuba was a substantial addition to the resolutions mentioned and was in no way redundant or directed against any country or group of countries. It was entirely in keeping with basic international human rights standards and referred to the need for compliance with international human rights law and international humanitarian law in the context of collective efforts to counter terrorist threats. His delegation would therefore vote in favour of the draft resolution.

28. **Ms. Zack** (United States of America), in response to those who had hypocritically questioned the United States commitment to human rights, she wished to reiterate that her Government remained committed to the promotion and protection of human rights, and stood by its record in that regard. It expressed admiration for all political prisoners for their courage in standing up to tyranny and for their commitment to peaceful democratic change in the face of overwhelming odds. The United States strove for a world where all human beings were guaranteed the full enjoyment of human rights.

29. The draft resolution under consideration unnecessarily duplicated General Assembly and Commission on Human Rights resolutions, including the resolutions entitled "Protection of human rights and fundamental freedoms while countering terrorism" and "Torture and other cruel, inhuman or degrading treatment or punishment". Furthermore, the Council had already approved the mandate of an independent expert on the protection of human rights and fundamental freedoms while countering terrorism. The draft resolution therefore contributed nothing to the promotion and protection of human rights. Rather, it distracted the Council from its important work on human rights and other issues.

30. As President Bush had stated on the United Nations International Day in Support of Victims of Torture, "Freedom from torture is an inalienable human right." Her Government would not tolerate torture; it was dedicated to ensuring that the inherent dignity of human beings was respected. It was committed to investigating and prosecuting all acts of torture and undertook to prevent other cruel and unusual punishment in all territory under its jurisdiction. It strongly believed that all States that were involved in military operations, both international and domestic, must act in conformity with their obligations under international law. The United States remained committed to upholding the rule of law while countering terrorism. To that end, it would continue to support many of the existing resolutions that more comprehensively address those issues. The draft resolution under consideration was inappropriate and counter-productive, and her delegation would vote against it.

31. *At the request of the representative of the United States of America, a recorded vote was taken on draft resolution E/2004/L.17/Rev.1.*

In favour:

Benin, China, Congo, Cuba, Ecuador, Libyan Arab Jamahiriya, Malaysia, Namibia, Russian Federation, United Republic of Tanzania, Zimbabwe.

Against:

Armenia, Australia, Belgium, Canada, El Salvador, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Nicaragua, Panama, Poland, Republic of Korea, Senegal, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Azerbaijan, Bangladesh, Belize, Bhutan, Burundi, Chile, Colombia, Ghana, India, Jamaica, Kenya, Mauritius, Nigeria, Qatar, Saudi Arabia, Tunisia, United Arab Emirates.

32. *Draft resolution E/2004/L.17/Rev.1 was rejected by 24 votes to 11, with 17 abstentions.**

33. **Mr. Sinaga** (Indonesia) said that his delegation supported the draft resolution, because it believed that human rights must always be protected in any efforts to combat terrorism. Moreover, the draft resolution did

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* The delegation of Indonesia subsequently informed the Council that it had intended to vote in favour of the draft resolution.

not duplicate other resolutions with respect to human rights and terrorism and was not aimed at any one State.

34. **Mr. Rehren** (Chile) said that his delegation had abstained from the vote. Although the draft resolution at issue addressed a number of pertinent concerns relating to the protection of human rights in all contexts, including international military operations, it overlapped with Commission on Human Rights resolution 2004/87, on the protection of human rights and fundamental freedoms while countering terrorism, which had been adopted by consensus. It would be more appropriate to include the concerns expressed in the draft resolution in the report of the independent expert referred to in resolution 2004/87.

35. The draft resolution submitted by Cuba contained a number of elements which could give rise to political polemics and could be interpreted as a follow-up to the discussions of the Commission on Human Rights. In that connection, he insisted on the need to depoliticize the treatment of human rights questions and reiterated his delegation's support for the various human rights monitoring mechanisms of the Commission on Human Rights, which were the best means of determining the human rights situation in individual countries and cooperating with the authorities concerned.

36. **Ms. Cendeño Reyes** (Observer for Venezuela) expressed her disappointment that the Council had rejected the draft resolution. The protection of human rights and the strict application of international human rights law in military operations had become an urgent priority for the international community and, in that connection, the draft resolution had merit.

37. **Mr. Reyes-Rodríguez** (Cuba) said that, in spite of the Council's rejection of the draft resolution, he felt satisfied that a considerable number of States had, by voting in favour, expressed their distaste for the hegemony exercised by certain nations. By denouncing such unseemly behaviour and calling for an end to impunity, the peoples of countries whose actions were guided by the quest for reason, truth and justice would emerge victorious.

Draft decision E/2004/L.21: Commission on Human Rights decision 2004/117 on human rights and human responsibilities

38. **The President** said that he had been informed that draft decision E/2004/L.21 had no programme budget implications. Andorra, Japan and Peru had become sponsors.

39. **Mr. Reyes-Rodríguez** (Cuba), speaking in explanation of vote before the voting, said that draft decision E/2004/L.21 undermined the principles enshrined in the Universal Declaration of Human Rights, which clearly acknowledged the interrelationship between human rights and responsibilities. In Cuba, four centuries of colonial domination, followed by neo-colonial domination and a military coup, had served to illustrate that the individual enjoyment of human rights was devoid of meaning in the absence of respect for the rights of others. In that regard, the pre-draft declaration on human social responsibilities was particularly important for disadvantaged populations and those living in poverty, as it provided an opportunity to ensure that States complied with their responsibilities towards their nationals. Commission on Human Rights decision 2004/117 was a purely procedural decision that afforded all interested parties the freedom to express their views on the pre-draft declaration. Draft decision E/2004/L.21 prejudged the content of that document and sought to prevent the international community from exercising its freedom of expression.

40. **Ms. Al Haj Ali** (Observer for the Syrian Arab Republic) stressed the importance of protecting and promoting human rights and expressed her delegation's support for the relevant United Nations mechanisms. In that regard, any human rights activities carried out by the international community must complement the work of the United Nations system and, in particular, that of the Commission on Human Rights. The draft decision at issue represented an attempt to undermine the work and credibility of the Commission and the Office of the United Nations High Commissioner for Human Rights. The Council should not entertain such attempts, which also called into question some States' commitment to the protection and promotion of human rights and fundamental freedoms. Her delegation reserved the right to return to the issue before the next session of the General Assembly.

41. **Mr. Aho-Glele** (Benin) expressed his surprise that a procedural decision of one of the Council's functional commissions had been called into question. He appealed to the Council to resist the attempt to undermine the competence of the Commission on Human Rights and announced his intention to vote against the draft decision.

42. **Ms. Espíndola** (Ecuador) said that the adoption of Commission on Human Rights decision 2004/117 did not imply the adoption of the pre-draft declaration on human social responsibilities, but had simply provided an opportunity for all States to examine the document. The pre-draft declaration upheld the principle enunciated in article 29 of the Universal Declaration of Human Rights, that everyone had duties to the community, and the internationally recognized principles of human rights set forth in the Vienna Declaration on Human Rights. The Constitution of Ecuador expressly recognized the principle of collective rights and responsibilities. Her delegation would therefore vote against draft decision E/2004/L.21.

43. **Mr. van den Berg** (Observer for the Netherlands), speaking on behalf of the European Union, informed the Council that Bulgaria, Croatia, Liechtenstein, Nicaragua and Romania had joined the sponsors.

44. The European Union strongly opposed Commission on Human Rights decision 2004/117, representing the first step towards the adoption by the United Nations of a pre-draft declaration on human social responsibilities, on both procedural and substantive grounds. With regard to procedure, a pre-draft declaration had not been mandated by the Commission on Human Rights. The Commission had merely requested the Subcommission on the Promotion and Protection of Human Rights to undertake a study on the issue of human rights and human responsibilities. As far as substance was concerned, the pre-draft declaration undermined the Universal Declaration on Human Rights, the Vienna Declaration on Human Rights and other important human rights documents. It aimed to make human rights conditional and, as such, represented a direct attempt to undermine the very foundations of international human rights law. The core premise of the pre-draft declaration, namely, that a State could determine which rights may be enjoyed by an individual in return for the exercise of certain responsibilities, was entirely inconsistent with the fundamental concepts of human rights. The European Union did not take issue with the idea that members of any society had responsibilities towards each other and the community: those duties were already covered by article 29 of the Universal Declaration of Human Rights. However, the conditional linkage between rights and responsibilities could not go unchallenged.

45. As confirmed by the legal opinion of 20 July 2004, it was entirely within the mandate of the Council, as the parent body of the functional commissions, to overturn, when necessary, decisions of one of its subordinate bodies. He called on all Member States that championed the fundamental principles of human rights — universality and access for all — to support draft decision E/2004/L.21.

46. **Mr. Rehren** (Chile) said that Chile had voted against the adoption of decision 2004/117 at the sixtieth session of the Commission on Human Rights and intended to vote in favour of draft decision E/2004/L.21, on the grounds that the pre-draft declaration represented a challenge to the universality of human rights.

47. **Ms. Zack** (United States of America) endorsed the remarks made by the Observer for the Netherlands on behalf of the European Union and said that her delegation would be voting in favour of draft decision E/2004/L.21. While, in accordance with the Universal Declaration of Human Rights, human rights were universal and inalienable, the pre-draft declaration on human social responsibilities introduced an element of conditionality into the exercise of those rights and, as such, represented an attempt to undermine international human rights law.

48. **Mr. Reyes-Rodríguez** (Cuba), speaking on a point of order, said that it was his understanding that sponsors were not entitled to make statements in explanation of vote before the voting.

49. **The President** said that, in principle, sponsors were not entitled to make such statements.

50. **Mr. Vlasov** (Russian Federation) said that, in adopting decision 2004/117, the Commission on Human Rights had in no way overstepped its mandate. Consequently, his delegation would vote against draft decision E/2004/L.21, which represented a procedural attempt to avoid taking action on decision 2004/117.

51. **Mr. Zhang** Yishan (China) said that the pre-draft declaration on human social responsibilities was an important document designed to define the relationship between human rights and human responsibilities in order to enhance the fuller realization of those rights. Under Commission on Human Rights decision 2004/117, all interested parties would be requested to

express their views on the pre-draft, whereas the draft decision at issue, submitted by the European Union, attempted to arbitrarily and unreasonably deprive all parties of that right. The European Union, self-styled defender of the freedom of speech, valued only the freedom that served its own interest, and opposed the freedom that involved the expression of opinions that differed from its own. Such an approach was deeply regrettable, and his delegation would therefore be voting against draft decision E/2004/L.21.

52. **Mr. Vengesa** (Zimbabwe) observed that Commission on Human Rights decision 2004/117 was merely a procedural decision designed to give all Member States an opportunity to comment on the pre-draft declaration. While affording themselves that opportunity, the supporters of draft decision E/2004/L.21 sought to deny it to others, and consequently he would be voting against the draft decision.

53. **Mr. Reyes-Rodríguez** (Cuba) said that he would be voting against the draft decision and urged other delegations to do the same. While its supporters used the freedom of expression as a pretext to defend the continued existence of racist groups such as the Ku Klux Klan, they sought to deny others that right. Draft decision E/2004/L.21 was the expression of a fundamentalist and egotistical attitude that questioned the universality of human rights.

54. **Mr. Sinaga** (Indonesia), recalling that his delegation had been a strong supporter of decision 2004/117 when it had been discussed in the Commission on Human Rights, pointed out that the only purpose of that decision had been to seek the views of Member States and institutions on the pre-draft declaration on human social responsibilities, compile those views, and transmit them to the next session of the Commission. It provided an opportunity to discuss human rights and human responsibilities, and did not place conditions, restrictions or limits on human rights. The interrelationship between human rights and human responsibilities was a cornerstone of international humanitarian law and was reflected in international and regional human rights conventions. He urged the Council to reflect on the matter, and not to lend its support to draft decision E/2004/L.21.

55. **Mr. Gopinathan** (India) said that he shared the concerns of the representatives of China and Indonesia. As a sponsor of decision 2004/117 in the Commission on Human Rights, his Government would vote against the draft decision proposed by the European Union. He was not convinced by the reasoning offered by the Observer for the Netherlands on behalf of the European Union, and wondered what had motivated draft decision E/2004/L.21, since the only purpose of Commission on Human Rights decision 2004/117 had been to seek Member States' views. Similarly, he could see no valid reason to suggest that article 29 of the Universal Declaration of Human Rights made Commission on Human Rights decision 2004/117 superfluous. While draft decision E/2004/L.21 could not be challenged from a technical point of view, he believed that it was a morally questionable procedural manoeuvre that was inconsistent with the practices of the United Nations.

56. *At the request of the representative of Cuba, a recorded vote was taken on draft decision E/2004/L.21.*

In favour:

Armenia, Australia, Belgium, Canada, Chile, Congo, El Salvador, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Nicaragua, Panama, Poland, Republic of Korea, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against:

Azerbaijan, Bangladesh, Belize, Benin, Bhutan, China, Colombia, Cuba, Ecuador, Ghana, India, Indonesia, Jamaica, Kenya, Libyan Arab Jamahiriya, Malaysia, Mozambique, Namibia, Nigeria, Qatar, Russian Federation, Saudi Arabia, Tunisia, United Arab Emirates, Zimbabwe.

Abstaining:

Armenia, Burundi, Mauritius, Senegal, United Republic of Tanzania.

57. *Draft decision E/2004/L.21 was rejected by 25 votes to 24, with 5 abstentions.*

Draft decision E/2004/L.36: Extension of the mandate of the Special Rapporteur on the sale of children, child prostitution and child pornography

58. **Ms. Pliner-Joseph** (Secretary of the Council) said that, according to the Office of the Controller, the programme budget implications of the decision would be US$ 38,800 per year, under section 24 (Human rights). The mandate of the Special Rapporteur fell

under the category of activities considered to be of a perennial nature. Provisions had already been included in section 24 of the programme budget for the current biennium and would be included in the proposed programme budget for the biennium 2006-2007. Adoption of the draft decision would therefore involve no additional appropriation.

59. *Draft decision E/2004/L.36 was adopted.*

60. **Mr. Ndiaye** (Director, New York Office of the Office of the United Nations High Commissioner for Human Rights) clarified that the text needed to extend the mandate of the Special Rapporteur should have been included in the omnibus resolution on the rights of the child. However, that text had been overlooked and thus omitted from the omnibus resolution. The draft decision which the Council had just adopted had been submitted to it with the sole aim of correcting the error.

(h) Permanent Forum on Indigenous Issues (*continued*)

61. The President invited the Council to take action on the five draft decisions contained in the report of the Permanent Forum on Indigenous Issues on its third session (E/2004/43), the programme budget implications of which were set out in document E/2002/L.37.

Draft decision I: Intersessional meeting of the Permanent Forum on Indigenous Issues

62. **The President** drew attention to the proposed amendment to draft decision I contained in document E/2004/L.41. If it was adopted, the programme budget implications indicated in document E/2004/L.37 would be adjusted accordingly.

63. **Ms. Marselius** (Sweden), speaking on behalf of the sponsors, explained that the proposed amendment in document E/2004/L.41 would make the intersessional meeting of the Forum a pre-sessional meeting, significantly reducing the costs involved and promoting an effective and productive fourth session of the Forum, especially in the light of the fact that in 2005, 10 of the 16 members of the Forum would be new.

64. *The amendment in document E/2004/L.41 was adopted.*

65. **Ms. Zack** (United States of America), speaking in explanation of vote before the voting, said that her Government had supported the establishment of the Permanent Forum on Indigenous Issues, which was beginning to fulfil its goal of mainstreaming the concerns of indigenous communities into the work of the United Nations system. However, draft decision I, as amended, would authorize on an exceptional basis a three-day pre-sessional meeting of the Permanent Forum, giving rise to programme budget implications. While acknowledging the efforts made to reduce the costs, her delegation believed that they should be met from existing regular budget provisions or voluntary contributions.

66. *A recorded vote was taken on draft decision I, as amended.*

In favour:

Armenia, Australia, Azerbaijan, Belgium, Belize, Benin, Bhutan, Burundi, Canada, Chile, Congo, Ecuador, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, Ireland, Italy, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Mauritius, Mozambique, Namibia, Nicaragua, Nigeria, Panama, Poland, Republic of Korea, Russian Federation, Sweden, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Zimbabwe.

Against:

Bangladesh, Colombia, India, Indonesia, Malaysia, United States of America.

Abstaining:

China, Qatar, Saudi Arabia, Senegal, United Arab Emirates.

67. *Draft decision I, as amended, was adopted by 42 votes to 6, with 5 abstentions.*

68. **Mr. Takase** (Japan) said that his Government supported and valued the work of the Permanent Forum on Indigenous Issues, but firmly believed that financing for that work should come from existing regular budget resources or voluntary contributions, as the Council had decided in its resolution 2000/22 on the establishment of the Permanent Forum. However, because the membership of the Forum was changing for the first time, Japan considered a pre-sessional meeting to be important, and had voted in favour of draft decision I, as amended.

Draft decision II: Workshop on free, prior and informed consent

69. **Ms. Zack** (United States of America), speaking in explanation of vote before the voting, said that draft decision II would authorize a three-day workshop recommended by the Permanent Forum on Indigenous Issues, giving rise to programme budget implications. Her delegation believed that the costs involved should be met from existing regular budget provisions or voluntary contributions.

70. *A recorded vote was taken on draft decision II.*

In favour:

Armenia, Azerbaijan, Belgium, Belize, Benin, Bhutan, Burundi, Canada, Chile, Congo, Cuba, Ecuador, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, Ireland, Italy, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Mauritius, Mozambique, Namibia, Nicaragua, Nigeria, Panama, Poland, Republic of Korea, Russian Federation, Sweden, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Zimbabwe.

Against:

Bangladesh, Colombia, India, Indonesia, Malaysia, Qatar, Saudi Arabia, United Arab Emirates, United States of America.

Abstaining:

Australia, China, Senegal.

71. *Draft decision II was adopted by 42 votes to 9, with 3 abstentions.*

72. **Mr. Takase** (Japan), reiterating his Government's belief that the work of the Permanent Forum on Indigenous Issues should be financed from existing regular budget resources or voluntary contributions, said that Japan had voted in favour of draft decision II in spite of its programme budget implications, having been informed that the Permanent Forum had examined its priorities for workshops and had included only one such event in its recommendations to the Council.

Draft decision III: Venue and dates for the fourth session of the Permanent Forum on Indigenous Issues

73. **Ms. Groux** (Observer for Switzerland), read out the following amendment to draft decision III:

> **"The Economic and Social Council decides that the fourth session of the Permanent Forum will be held at United Nations Headquarters in New York from 16 to 27 May 2005."**

74. *Draft decision III, as orally amended, was adopted.*

Draft decision IV: Provisional agenda for the fourth session of the Permanent Forum on Indigenous Issues

75. *Draft decision IV was adopted.*

Draft decision V: Proposal for a second international decade of the world's indigenous peoples

76. **Ms. Groux** (Observer for Switzerland), read out the following amendment to draft decision V:

> "The Economic and Social Council decides to transmit to the General Assembly the recommendation contained in draft decision V on the proclamation of a second international decade of the world's indigenous peoples, to begin in January 2005. The Economic and Social Council further recommends that in its consideration, the General Assembly, inter alia: identifies goals for a second decade, taking into account the achievements of the first decade; identifies a Coordinator that would coordinate the programme of activities of a second decade; and addresses the question of human and financial resources to be made available in support of the activities undertaken in the framework of the decade, including the possible continuation of the Voluntary Fund established by resolution 49/214 of 23 December 1994."

77. *Draft decision V, as orally amended, was adopted.*

Draft decision proposed by the Observer for Switzerland

78. **Ms. Groux** (Observer for Switzerland), read out the following draft decision for consideration by the Council:

> "Taking note of the report of the third session of the Permanent Forum on Indigenous Issues (E/2004/43), and taking note of the serious concerns and reservations on paragraph 52 as contained in document E/2004/SR.48, the Economic and Social Council decides to transmit

> those concerns and reservations to the Permanent Forum and requests the Permanent Forum to take them into account in its work, in accordance with its mandate as contained in resolution E/2000/22."

79. *The draft decision proposed orally by the Observer for Switzerland was adopted.*

80. **Mr. Zhang** Yishan (China) said that his delegation supported the draft decision, but wished to know if it had a title.

81. **The President** said that he assumed the title of the draft decision was "Report of the third session of the Permanent Forum on Indigenous Issues".

82. **Mr. Sinaga** (Indonesia) said that his Government's consistent spirit of support for and cooperation with the Permanent Forum on Indigenous Issues had inspired it to join the consensus on the draft decision. The Council had strongly and clearly expressed its concern regarding the work of the Permanent Forum. He reiterated his Government's rejection of paragraph 52 of the report of the third session of the Permanent Forum, which should be amended substantially or deleted. Indonesia's patience was not inexhaustible, and the Permanent Forum must not breach the trust of his country's 220 million people. Indonesia would never accept separatism which endangered the integrity of what was the world's third-largest democracy. His delegation assumed that, in accordance with the decision just adopted, the Council would take the action necessary to reflect the concerns and reservations which Indonesia had already expressed in the general debate on agenda item 14 (h).

83. **Mr. Bernal** (Colombia) said that at the previous meeting, his delegation had clearly set out its grounds for disputing the objectivity of the report of the third session of the Permanent Forum on Indigenous Issues. Colombia supported the Permanent Forum, having believed from the outset that indigenous issues deserved urgent representation through a dedicated body devoted to promoting and protecting human rights and acting in a balanced, impartial, objective, non-selective and universal manner. If the Permanent Forum adhered to those principles, its prestige and credibility would grow, but if it disregarded, distorted or diluted them, its prestige and credibility could only suffer. The Council was under an obligation to review the actions and reports of its subsidiary bodies; Colombia therefore urged it to undertake a review of the Permanent Forum's working methods so that they could be better directed.

84. Although Colombia had joined the consensus on the draft decision, it shared the view of the representative of Indonesia that paragraph 52 of the report should have been amended or corrected. Believing that the Permanent Forum had overstepped its mandate, his Government had appealed to it, in a constructive spirit, to correct the situation. Difficult negotiations had failed to bring that about, so he trusted that the Council would transmit the concerns expressed. The situation must be prevented from recurring in the future; if it did, it would harm the credibility of the Permanent Forum, and that of the Council itself.

Implementation of and follow-up to major United Nations conferences and summits (*continued*)

(b) Review and coordination of the implementation of the Programme of Action for the Least Developed Countries for the Decade 2001-2010 (*continued*)

Draft resolution E/2004/L.39: Implementation of the Programme of Action for the Least Developed Countries for the Decade 2001-2010

85. **Mr. Al-Sulaiti** (Qatar), introducing draft resolution E/2004/L.39 on behalf of the Group of 77 and China, said that it was brief, procedural and aimed to reassert the importance of the Brussels Declaration and the Programme of Action for the Least Developed Countries. The Group of 77 and China were confident that the development partners would support it.

86. **The President** said that action would be taken on draft resolution L.39 the following day.

The meeting rose at 5.30 p.m.